

# LOCAL GOVERNMENT AREAS

1834-1945

by

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*To*  
*THE MEMORY OF*  
*MY PARENTS*



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## PREFACE

THIS study was written between December 1945 and June 1947 at Oxford under the auspices of Nuffield College. It is subject therefore to the limitations, which must beset nearly all academic research in the field of public administration. Only the person with practical experience of administration can make the most effective criticism of it, and put forward with authority constructive proposals for improvement. Personal experience can shed upon administrative problems light of a kind that can never be perceived through reading, however persistent, of the published documents and which is seen only by reflection in conversation with those who have had the practical experience. The academic student must beware, above all, of sketching administrative utopias, since it is generally only the practised administrator who knows what is administratively possible as distinct from that which appears theoretically desirable — a consideration of paramount importance in the field of politics, which — as Bismarck observed — is the science of the possible.

Yet if the academic student of administration cannot teach the administrator, he may attempt to serve him. Decisions taken by the administrator must generally be based on a survey of past action and other relevant factors. The marshalling of this material is a task in which the student can help the administrator, who may lack adequate time, and perhaps sometimes training, to undertake it thoroughly. A study of the previous history of the subject can thus provide the evidence upon which decisions can be taken; in particular, it can distinguish among the precedents between those created as the conscious application of a logical policy and those which are due to history, being themselves determined by yet earlier precedents.

This study therefore seeks to portray the development of the system of English local government areas, both because it provides the background to the recasting of areas now pending and on account of the relevance of English experience to the general problem of the relationship of administration to geography. The terminal points that have been taken are 1834, when the new Poor Law inaugurated the modern system of local government in England, and 1945, when the appointment of the Boundary Commission marked the opening of a new stage in the development of English local government areas.

The problems of the Metropolis are so complex and distinct that only incidental reference is made to them.

It remains to express the writer's appreciation to those who by their help or encouragement have made this work possible. It was written during the tenure of a Demyship at Magdalen College and a studentship at Nuffield College, and a deep obligation is owed to both colleges for academic and financial support. Among individuals, first must come Mr. C. H. Wilson, Fellow of Corpus Christi College, who as tutor and supervisor in turn stimulated, counselled and helped; to him the credit, if any, for the undertaking of this research and its publication is primarily due. Mr. D. N. Chester, Fellow of Nuffield, and Mr. W. J. M. Mackenzie, Fellow of Magdalen, have been ever ready with advice and interest. Mr. R. C. K. Ensor and Prof. K. C. Wheare, who first read this book as examiners, made many suggestions for its improvement; unfortunately, pressure of subsequent work has prevented the fullest advantage being taken of all of them. Although his own studies lie in other fields, Dr. Cecil Roth has generously given much valuable guidance on the general problems of undertaking research. Technical advice on rating and electricity supply questions respectively have been given by Mr. E. L. Bunce and Mr. R. G. Howie. Mr. H. L. Schollick has shown unfailing kindness and patience in the role of publisher, and Mr. D. A. Clarke, of the British Museum, has continually helped and advised in getting the book ready for publication; the index has been compiled by Mrs. S. S. Levin. Last but not least, thanks must be expressed to Mrs. Moore and Miss Gisborne, who deciphered and typed the manuscript.

V. D. L.

Nuffield College  
June 27th, 1947

PART I

THE DEVELOPMENT OF THE PRESENT  
STRUCTURE





## CHAPTER I

### THE SYSTEM OF AREAS IN 1834

#### A. *Introductory*

LOCAL assemblies of citizens constitute the strength of free peoples. Town meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and enjoy it. A nation may establish a system of free government but without the spirit of municipal institutions it cannot have the spirit of liberty.<sup>1</sup>

This passage from De Tocqueville illustrates one of the two main purposes of local government — its function as an instrument of civic self-education. But there is another type of purpose for local government — the administration of public services for the benefit of the citizens whether of a particular locality or of the nation as a whole. Since local administrative areas have to serve the ends of local government, they can be studied in the light of these two broad classes of purpose. To these classes of purpose there correspond two tests, as criteria of the suitability of local administrative areas. For the fulfilment of the educative purpose of local government, the administrative area needs to approximate to that of a social community, so that civic consciousness may be stimulated and the forces of local interest and sentiment be harnessed to the task of local self-government. On the other hand, for the operation of public services efficiency and economy are the primary requisites. In the choice of suitable areas the desire to give administrative autonomy to a social grouping or community may conflict with the need to obtain the most efficient unit of administration for the provision of public services.)

The history of local government during the period of this study shows the effect of both these principles upon the shaping and development of local administrative areas. Both the requirements of social community and technical efficiency underwent modifications with the changing environment and technological progress. The development of the system of areas shows the conflict of these two

<sup>1</sup> A. de Tocqueville, *Democracy in America*, I, chap. 5.

principles and the attempts to reconcile them, yet because the external circumstances have continued to change, no solution that has been achieved could be permanent and the end of the period sees the problem still unsolved, for in 1945 the system of English local government areas was once again adjudged due for recasting.

The modern system of local government in England and Wales can be said to date from 1834 — the year of the Poor Law Amendment Act — and 1835 — that of the Municipal Corporations Act. From then, it is more than a century to 1945, which saw the appointment of the Local Government Boundary Commission, a body empowered to make radical changes in the structure of English local government areas. The history of those areas and their problems during this period of more than a century falls into two divisions. The first is that between 1834 and the Local Government Acts of 1888 and 1894; during these years a new system of local government was developed and the final structure embodied in the two Acts, one establishing county councils and county boroughs, the other regulating the government of county districts and parishes. Between 1894 and 1945, the structure thus established was subjected to the pressure of new requirements and conditions, and received numerous modifications. Yet the structure as it existed in 1945 was fundamentally that created by the two Acts of 1888 and 1894.

The earlier of these two periods, which saw the shaping of the new structure, was not one of logically planned development; 'what we observe, in and after 1834, is not order arising out of chaos, but only a new patchwork taking the shape of the old one'.<sup>1</sup> A striking feature of this process is that, with the one exception of the poor law unions, the new units of administration were all based on existing areas. It is true that there was constant adjustment of boundaries and alteration in the composition of individual authorities. But the traditional areas, as they existed in 1834, profoundly influenced subsequent developments. Except for the poor law unions, the legislature preferred to combine, divide or modify existing areas, rather than to create an entirely new system of areas, based on considerations of geographical factors or functional requirements. Though altered individually, the classes of area which existed in 1834 determined the form of the new structure, and it is accordingly

<sup>1</sup> E. Halévy, 'Before 1835' in *A Century of Municipal Progress* (London, 1935), p. 35.

necessary, before taking up the story of developments from 1834 onwards, to review briefly the traditional structure of areas as it was at the beginning of 1834. It can be considered under four heads, corresponding to four levels in the structure of areas— the county; the hundred, with analogous units such as the petty sessional division; the parish, with the township; and the borough. The first three represent the three tiers of a traditional hierarchy of areas going back to the Norman Conquest and beyond; the borough is in a sense an exception, an area exempted from the jurisdiction of the hundred, and in some cases of the county. In one most important respect, however, boroughs and counties were alike, and differed from the other types of area. They were, and had always been, the two units for the return of Members to the House of Commons, and enjoyed a special pre-eminence and significance for that reason. The objectives in each case will be to determine the number of units in each class in 1834, to contrast their areas in point of size and population, to show any remarkable features in the nature of their boundaries, and to refer to any portions of the areas of each class of unit which could be regarded as excluded from their jurisdiction.

### B. *The Counties*

When examining local authorities in 1945, it is possible to pick out 145 major authorities — the 62 counties and 83 county boroughs. How far is it possible to distinguish the major units of local administration in 1834? It is a question of defining the number of separate counties for administrative purposes, and of those areas which were exempt from the county jurisdiction and provided 'county' services independently for themselves — the equivalent of modern county boroughs. The criterion, however, of a county is not easy to find. If it be the possession of a sheriff, then the three Ridings of Yorkshire count as one unit, and Cambridgeshire (including the Isle of Ely) with Huntingdonshire forms another; also seventeen cities and towns in England, and two in Wales had their own sheriffs, and were 'counties corporate'. If the lord lieutenancy be the criterion, then the three Ridings are separate counties; of the counties corporate, however, only London and Haverfordwest enjoyed separate lieutenancies; the Cinque Ports and Tower Hamlets would also rank as lieutenancies. But probably the most suitable criterion for the county, viewed from the *administrative*

standpoint, is to take quarter sessions, with particular reference to the 'county rate'. This was levied by quarter sessions to meet what were in 1834 the principal expenses of local government at the county level — the construction and repair of bridges, maintenance and building of gaols and houses of correction, the provision and upkeep of other county buildings, such as the shire hall, the cost of maintaining and conveying prisoners, the conduct of prosecutions and the salaries of county officials (clerks of the peace, and of the lieutenancy, the treasurer, surveyor, high constables and prison officials).<sup>1</sup> The amount of the expenditure from the county rate was the subject of no less than four inquiries about the time of the datum line 1834 — the Select Committee of the Commons in 1825, Select Committees of both Commons and Lords in 1834 and a Royal Commission in 1835. Much evidence is thus available on the county rates and, in particular, there are several sets of returns from the county treasurers. It is, therefore, proposed to adopt as the specific criterion of a separate county, the geographical county or part of a county which had its own treasurer and rate, and supplied its own separate return to each of these inquiries. The treasurer appointed under 12 Geo. II, c. 29 (6) was to be a person resident in a 'County, Riding, Division, City or Liberty' appointed by the justices in their quarter sessions for that area. It appears from these returns that not only were there separate treasurers, rates and accounts for two divisions of Sussex and four of Suffolk, but also two for Ely, Essex, Northants, Nottinghamshire and the Parts of Lindsey, with separate Treasurers and accounts for each Ward of Westmorland. On the other hand, the adjournment of quarter sessions for a county or a recognized division of a county to various towns in turn, or the holding of such quarter sessions in different towns, is not regarded as constituting separate administrative units. As regards the areas exempt from the county rate, a threefold classification is apparent. First, there are the nineteen counties corporate — each levying its own county rate.<sup>2</sup> Secondly, there are ninety-nine boroughs or liberties, which, although not counties in name, in fact levied a rate 'in the nature of a county

<sup>1</sup> See S. and B. Webb, *The Parish and the County*, pp. 265-8, for discussion of the problem of what constituted a county.

<sup>2</sup> In 1836 Berwick-on-Tweed, which had previously been an entity separate from the county as a whole, became a county 'to all intents and purposes' except for sending members to Parliament (5 & 6 Will. IV, c. 105 (6)), thus making in fact twenty counties corporate. Coventry lost its status as a county corporate by 5 & 6 Vict. c. 110 (1) of 1842.

rate', for the purposes for which a county rate would otherwise have been levied; they maintained their own gaols, built and repaired their own bridges, and paid for their own prosecutions and the upkeep of their prisoners. In general, they did this by virtue of clauses in a charter, giving their justices either a jurisdiction completely excluding that of the county justices, or a jurisdiction, which while not excluding in all respects the interference of the county justices, was substantially separate from theirs. 'A more definite sliding scale of jurisdictions, by which one municipal corporation was distinguished from another, was the degree of its emancipation from the jurisdiction of the justices of the county at large. The lowest grade of municipal corporations in this respect were those — about thirty-five in number — in which the borough justices had only concurrent jurisdiction in the town along with the county justices, and could only hold petty and special sessions. A higher stage was that of having an exclusive jurisdiction within the borough for a borough court of quarter sessions, whether in respect of misdemeanours only, or also of felonies. The highest of all these corporate jurisdictions was possessed by those boroughs — over forty in number — which absolutely excluded the justices of the county at large from any intermeddling with cases of even the gravest felonies that arose within the borough. . . . What was peculiar to municipal corporations, and that only to those which could hold courts of quarter sessions to the exclusion of the county justices, was the power to tax for gaols, maintenance of prisoners, vagrants, etc. by a county rate; or in the case of boroughs not being counties of themselves by a rate "of the nature of a county rate".<sup>1</sup> From the point of view of administration, rather than judicial powers, the situation was not determined solely by whether the jurisdiction was or was not exclusive. By 55 Geo. III, c. 51 the county justices could not levy the county rate on any 'cities, towns or other places' which were either exempt by charter or similar grant or which were not subject to the jurisdiction of the county justices and did not contribute to the county rate, but levied a rate of their own 'in the nature of a county rate'. In 1834 there are some boroughs — for instance Newark<sup>2</sup> — which had exclusive jurisdiction, yet paid

<sup>1</sup> S. and B. Webb, *The Manor and the Borough* (London, 1924), I, pp. 281-5. As the Webbs reckoned the total of boroughs at between 199 and 205 in 1835, there would be about 160 in these two higher classes.

<sup>2</sup> Report of Clerk of the Peace for Notts to Royal Commission on County Rates (P.P. 1836, XXVII, p. 87a).



the county rate like any other place in the county instead of raising their own rate in the nature of a county rate. On the other hand, other boroughs, like Chepping Wycombe and Buckingham, which could not claim exemption or exclusive jurisdiction by any charter or grant, yet did not pay the county rate because they in fact raised their own rate to repair their own gaols, maintain their own bridges and pay for their own prisoners and so on. Thirdly, there appear to have been certain quite small areas which escaped paying the county rate through some historic privilege, but did not in fact provide their own separate services, which would have been almost unthinkable because of their small size. Since they did not raise a rate in place of the county rate they escaped, these are evidently not to be reckoned as separate units for administrative purposes.

The following table has been prepared from the returns made to the 1825<sup>1</sup> and 1834<sup>2</sup> Select Committees, and the 1835 Royal Commission,<sup>3</sup> with additional information taken from the Reports of the 1835 Royal Commission on Municipal Corporations<sup>4</sup> and that of the 1835-37 Royal Commission on the Boundaries of Municipal Corporations.<sup>5</sup> The aim has been to set out those counties or divisions of counties, which had each their own rate and stock, treasurer and accounts; then to add to them the names of those towns or separate franchises which were both exempt from paying the county rate, and raised one of their own for the same purposes. Since such information about the major administrative units of local government in 1834 was not readily apparent, the relevant acreages and populations of each unit have been added from the Census Returns of 1831.<sup>6</sup> Notes have been added, based on the comments in the returns from clerks of the peace and county treasurers, and from the observations of the two Commissions on Municipal Corporations, upon the grounds upon which the boroughs or liberties had secured exemption from paying the county rate.

<sup>1</sup> Select Committee on County Rates (P.P. 1825, VI).

<sup>2</sup> Select Committee of Commons on County Rates (P.P. 1834, XIV); Select Committee of House of Lords on County Rates (P.P. 1835, XIV).

<sup>3</sup> Royal Commission on County Rates (P.P. 1835, XXXVI; 1836, XXVII; 1837, XXXIII).

<sup>4</sup> Report of Commission on Municipal Corporations (P.P. 1835, XXXIII-XXXVI; 1837, XXV; 1837-38, XXXV).

<sup>5</sup> Report of Commissioners on Municipal Corporations Boundaries (P.P. 1837, XXVI-XXVIII).

<sup>6</sup> P.P. 1833, XXXVI-XXXVII. (Population abstract.)

Area	Acreage	Population	Remarks
County of Bedford	295,432	88,424	Separate (but not exclusive) jurisdiction; separate rate for 'county purposes'. <sup>1</sup>
Borough of Bedford	2,200	6,959	
County of Berks	461,680	117,432	Exclusive jurisdictions, separate rates for 'county purposes'.
Borough of Abingdon	340	5,259	
Borough of Reading	2,080	15,595	
Borough of Windsor <sup>2</sup>	8,170	7,103	
County of Bucks.	452,230	139,818	Although not exclusive jurisdictions, these boroughs <i>de facto</i> raised their own rates for bridges, gaols, etc. (P.P. 1825, VI, p. 72). But from 1829 this was disputed, and in 1831 the county justices did levy a rate on Chepping Wycombe (1836, XVII, p. 69a).
Borough of Buckingham	5,330	3,610	
Borough of Chepping Wycombe	5,260	3,101	
County of Cambridge	289,753	71,417	Exclusive jurisdiction; a town rate 'in the nature of a county rate' levied.
Borough of Cambridge	3,470	20,197	
Hundreds of Wisbech and North Witchford	150,550	34,987	There were separate treasurers and accounts for the two halves of the Isle of Ely.
Hundred of Ely	93,080	17,354	
County of Chester	646,040	313,047	Although Congleton had a separate jurisdiction, it paid the county rate (P.P. 1836, XVII, p. 79a).
City and County of the City of Chester	3,010	21,344	County corporate.
County of Cornwall	822,710	263,241	'Separate jurisdictions, incorporated by charters, and governed by magistrates of their own, created by such charters respectively', wrote the Treasurer of Cornwall to the 1825 Select Committee (P.P. 1825, VI, p. 120). In fact, they did not completely
Borough of Bodmin	2,840	3,375	
Town of Falmouth	40	4,761	
Borough of Fowey	1,900	1,767	
Borough of Grampound	2,710	715	
Borough of Helston	130	3,293	
Borough of Launceston	2,180	2,231	
Borough of Looe, East	3,060	865	
Borough of Looe, West	2,690	593	
Borough of Lostwithiel	120	1,548	

<sup>1</sup> The term 'exclusive jurisdiction' means 'excluding that of the county justices' and 'separate rate' means 'a separate rate in the nature of a county rate'.

<sup>2</sup> In the return to the 1834 Select Committee (Commons) on County Rates, Wallingford was returned by mistake for Windsor, as having exclusive jurisdiction and not contributing to the county rate; this was rectified in the County Treasurer's report to the Royal Commission on County Rates in 1835 (See P.P. 1834, XIX, p. 234; 1836, XVII, p. 69a).

Area	Acreage	Population	Remarks
County of Cornwall ( <i>cont.</i> )			
Borough of Penryn	290	3,521	cover their own expenses, as they committed certain prisoners to the county gaol, and generally did not make special contributions to the county for this. Liskeard had a separate jurisdiction, but paid the county rate according to an old fixed assessment. See P.P. 1836, XVII, p. 70a.
Borough of Penzance	6,810	6,563	
Borough of Saltash	4,880	1,637	
Borough of St. Ives	1,850	4,776	
Borough of Tregony	2,410	1,127	
Borough of Truro <sup>1</sup>	190	2,925	
County of Cumberland	969,490	169,681	
County of Derbyshire	661,520	213,543	Exclusive jurisdiction; it raised its own rate for county purposes.
Borough of Derby	1,660	23,627	
County of Devonshire	1,566,900	354,155	
City and County of the City of Exeter	18,000	28,242	County corporate.
Borough of Barnstaple	1,070	6,840	Exclusive jurisdiction by charter.
Borough etc. of Bideford	4,510	4,846	Exclusive jurisdiction by charter; raised its own rate.
Borough of Clifton, Dartmouth and Hardness	1,650	4,597	Exclusive jurisdiction; supported its own gaol, etc.
Borough of Bradninch	4,320	1,524	Borough by prescription: appanage of Duchy of Cornwall: maintained its own bridges, prison, etc., 'from time immemorial'.
Borough of Okehampton	11,110	2,055	Exclusive jurisdiction by charter: maintained its own bridges and prisons.
Borough of Plymouth	2,300	75,534	Exclusive jurisdiction.
Borough of South Molton	6,160	3,826	Exemption from county rate <i>de facto</i> (i.e. not by charter but in consequence of maintaining its own bridges, prisons and highways).
Borough of Tiverton	16,790	9,766	Exclusive jurisdiction by charter.
Great Torrington	3,640	3,093	Exclusive jurisdiction by charter.
County of Dorset	627,050	152,793	
Town and County of the Town of Poole	170	6,459	County corporate.

<sup>1</sup> In the case of Bodmin, Grampound, the Looes, Penzance, Saltash and Tregony, the *acreage* given is that of the parish (the only area given in the 1831 Census) which in fact is larger than the borough.



## THE SYSTEM OF AREAS IN 1834

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<i>Area</i>	<i>Acreage</i>	<i>Population</i>	<i>Remarks</i>
County of Durham	679,530	253,910	
County of Essex:			
Eastern Division }			
Western Division }	942,540	281,638	
Borough of Colchester	11,770	16,167	Exclusive jurisdiction.
Borough of Harwich	2,060	4,297	Exclusive jurisdiction.
Borough of Maldon	2,700	3,831	Exclusive jurisdiction.
Borough of Saffron Walden	7,380	4,762	Exclusive jurisdiction.
Liberty of Havering-Atte-Bower	12,550	6,812	The three parishes of Hornchurch, Romford and Havering formed an ancient demesne of the Crown.
County of Gloucester	778,030	265,429	
City and County of the City of Gloucester	680	11,933	County corporate.
Borough of Tewkesbury	1,890	5,780	Exclusive jurisdiction by charter.
County of Hants (Southampton)	1,010,800	231,078	
Town and County of the Town of Southampton	1,970	19,324	County corporate.
Borough of Andover	7,670	4,748	Exclusive jurisdiction by charter.
Borough of Newport (I.O.W.)	80	4,081	Exclusive jurisdiction.
Borough of Portsmouth	4,980	46,282	Exclusive jurisdiction.
City and Soke Liberty of Winchester	2,250	8,767	Exclusive jurisdiction.
County of Herefordshire	541,480	100,929	
City of Hereford	2,320	10,282	Exclusive jurisdiction by charter.
County of Hertfordshire	312,830	110,050	
Borough of St. Albans	320	4,772	Exclusive jurisdiction.
Liberty of St. Albans	87,220	28,519	
County of Huntingdonshire	240,460	49,925	
Borough of Huntingdon	1,230	3,267	Exclusive jurisdiction, levying its own rate.
County of Kent	972,240	479,155 <sup>1</sup>	

<sup>1</sup> Owing to the fact that the liberties of the Cinque Ports towns extend over many parishes and parts of parishes in the county, it is not possible from the census returns to estimate the acreage and population of towns with their liberties, and the population and acreage totals of Kent are given *inclusive* of the exempt jurisdictions.

<i>Area</i>	<i>Acreage</i>	<i>Population</i>	<i>Remarks</i>
<i>County of Kent (cont.)</i>			
City and County of the			
City of Canterbury	3,240	13,649	County corporate.
City of Rochester	6,150	27,321	Exclusive jurisdiction by
Borough of Maidstone	4,420	15,387	charter. Gravesend and New
Borough of Queensburgh	380	786	Milton Boroughs had an ex-
Liberty of Romney Marsh	—	—	clusive jurisdiction but con-
			tributed to the county rate.
Cinque Ports towns of Deal, Dover, Faversham, Folkestone, Fordwich, Hythe, Lydd, New Romney, Sandwich and Tenterden.			
County of Lancaster	1,117,260	1,336,854	Preston Borough maintained its own bridges, but paid county rate for all other purposes.
County of Leicester	511,340	197,003	
County of Lincoln: Parts of Holland, Wapentakes of Kirton and Skirbeck	102,540	22,093	The Wapentakes had a separ- ate County Treasurer and accounts.
Borough of Boston	5,220	11,240	Doubtful if jurisdiction ex- clusive, but levied separate rate.
Wapentake of Elloe	148,560	29,314	Separate County Treasurer, accounts, etc.
Parts of Kesteven	418,300	65,213	
Borough and Soke of Grantham	25,400	10,780	Borough magistrates had exclusive jurisdiction over the borough itself (5,000 pop.) and the soke (5,700 pop.).
Borough of Stamford	1,860	5,837	Exclusive jurisdiction, separ- ate rate.
Parts of Lindsey	940,630	168,870	
Borough of Great Grimsby	2,110	4,225	Doubtful if jurisdiction ex- clusive, but levied its own rate.
City and County of the City of Lincoln	17,560	11,843	County corporate.
County of Middlesex	178,990	1,234,647	The city - within and without the walls - has been excluded from these totals. The Tower Liberties were exempt from county rate, but are included, because it is difficult from the 1831 Census returns to dis- cover their acreage and popu- lation. The City of West- minster was not an exclusive jurisdiction and paid the county rate.

## THE SYSTEM OF AREAS IN 1834

II

Area	Acreage	Population	Remarks
County of Monmouthshire	321,610	93,214	The Borough of Monmouth maintained its own bridges and prison, paid for prosecutions, etc. <i>De facto</i> exemption.
Borough of Monmouth	2,700	4,916	
County of Norfolk	1,278,450	300,991	
City and County of the City of Norwich	5,920	61,116	County corporate.
Borough of King's Lynn	2,620	13,370	Exclusive jurisdiction by charter.
Borough of Thetford	4,040	3,462	
Borough of Gt. Yarmouth	1,270	21,115	
County of Northants:			
Western Division }	590,340	144,715	Separate Treasurers and accounts for the two divisions.
Eastern Division }			
Borough of Daventry	4,090	3,646	Exclusive jurisdiction.
Borough of Northampton	1,520	15,351	Exclusive jurisdiction.
City of Peterborough and Liberty of the Soke of Peterborough	52,860	15,624	The liberty (pop. 10,000) was Nassaburgh Hundred. Both city and liberty were under a jurisdiction separate from the county.
County of Northumberland <sup>1</sup>	1,163,430	180,152	
Town and County of the Town of Newcastle	1,000	42,760	County corporate.
County of Notts: <sup>2</sup>			
Northern Division }	523,190	174,647	Separate treasurers and accounts for the two divisions.
Southern Division }			
Town and County of the Town of Nottingham	2,610	50,680	County corporate.
County of Oxfordshire <sup>3</sup>	464,230	148,419	Exclusive jurisdiction by charter.
Borough of Banbury	3,150	3,737	
County of Rutland	97,500	19,385	

<sup>1</sup> Berwick-on-Tweed is not mentioned in any of the returns as exempt from the county rate, but until 1836 was not regarded as part of England.

<sup>2</sup> The Boroughs of Newark and Retford and the Liberty of Southwell, of which at least the first certainly had exclusive jurisdiction by charter, paid the county rate. See P.P. 1836, XVIII, p. 87a (Report from the Notts Clerk of the Peace to the Royal Commission on County Rates).

<sup>3</sup> The returns did not show Oxford City as being exempt from the county rate, or levying its own rate for 'county purposes'. Though Oxford had its own Sheriff, it was not a county corporate.

<i>Area</i>	<i>Acreage</i>	<i>Population</i>	<i>Remarks</i>
County of Salop	777,670	172,657	Exclusive jurisdiction. Oswestry and Wenlock had considerable 'liberties' included in their area of jurisdiction.
Borough of Ludlow	280	5,253	
Borough of Oswestry	13,680	9,103	
Borough of Shrewsbury	24,620	23,492	
Borough of Wenlock <sup>1</sup>	45,590	17,435	
County of Somerset	1,028,090	404,200	
City and County of the City of Bristol <sup>2</sup>	9,870	103,886	County corporate.
County of Staffordshire	733,110	404,013	
City and County of the City of Lichfield	3,180	6,499	County corporate.
County of Suffolk: <sup>3</sup> Beccles Division	151,670	51,262	Hundreds of Blything, Wangford, Mutford and Lothingland. <sup>4</sup>
Borough of Southwold	680	1,875	Borough paid for its own house of correction, bridge, coroner, etc. 'They provide generally for all the common purposes for which a county rate is required, and no county rate has ever been paid by the Borough within the memory of man.' (P.P. 1825, VI, p. 432.)
Bury Division	377,020	93,883	Hundreds of Babergh, Blackbourn, Risbridge, Thedwastre, Thingoe, Cosford, Lackford.
Borough of Bury St. Edmunds	3,040	11,436	Exclusive jurisdiction by charter.
Ipswich Division	223,210	64,463	Hundreds of Bosmere and Claydon, Samford, Stowe, Hartismere, Hoxne.
Borough of Ipswich	7,020	20,201	Exclusive jurisdiction.

<sup>1</sup> In 1834, the liability of Bridgnorth (pop. 4285 — with liberties, 5298) to the county rate was the subject of litigation; previously it had been exempt and levied its own rate.

<sup>2</sup> Neither Bristol nor London occurs with the other counties corporate in the returns called for by the 1825 Select Committee or that of 1834 or the Royal Commission of 1836.

<sup>3</sup> Each of the four divisions 'raises its separate funds, and has a separate Treasurer, though not legal divisions, as the Ridings of Yorkshire or the Parts of Lincolnshire, but so divided for a century and a half for the convenience of holding the Quarter Sessions at each of the places' (Report from Clerk of the Peace to Royal Commission on County Rates, PP. 1836, VI, p. 88a).

<sup>4</sup> For allocation of hundreds to divisions, see *Victoria County History of Suffolk*, II, pp. 156-9.

<i>Area</i>	<i>Acreage</i>	<i>Population</i>	<i>Remarks</i>
County of Suffolk ( <i>cont.</i> )			
Borough of Eye	2,370	2,313	Eye did not pay the county rate but used the county gaol, etc., without paying towards it.
Woodbridge Division	151,400	46,307	Hundreds of Carleford, Colneis, Plomesgate, Loes, Wilford, Thredling. <sup>1</sup>
County of Surrey	474,480	486,334	
County of Sussex:			
Eastern Division	894,900	245,045	The two divisions had separate treasurers, rates, debts, accounts, etc.
Western Division }			
City of Chichester	1,680	8,270	Exclusive jurisdiction by charter.
Hastings	1,670	10,097	} Cinque Ports.
Pevensey	4,000	343	
Rye	2,480	3,715	
Seaford	1,870	1,098	
Winchelsea	1,120	772	
County of Warwickshire	552,860	298,780	
City and County of the City of Coventry	15,070	37,830	County corporate: the county area, as distinct from the city, had an acreage of 10,150 and a population of 10,760.
County of Westmorland:			
East Ward	182,080	14,455	The four Wards appear to have had separate treasurers and accounts.
Kendal Ward	147,440	17,237	
Lonsdale Ward	38,350	5,440	
West Ward	118,120	7,894	
Town of Kirkby-Kendal	—	10,015	Separate jurisdiction and rate.
County of Wilts.	868,970	226,854	
Borough of Marlborough	170	3,426	Exempt from county rate by charter and raised their own rates.
City of New Sarum (Salisbury)	480	9,876	
County of Worcestershire	457,340	189,764	
City and County of the City of Worcester	220	18,610	County corporate.
Borough of Evesham	2,150	3,991	Separate rate. <sup>2</sup>
County of York:			
East Riding	688,950	123,216	

<sup>1</sup> There are more doubtful cases in Suffolk: Dunwich and Orford seem to have had exclusive jurisdiction, but to have paid the county rate. Aldeburgh tried in 1824 to claim exemption, but was threatened with legal proceedings and paid again thereafter (See P.P. 1825, VI, p. 454; 1836, XVIII, p. 87a).

<sup>2</sup> Bewdley, Kidderminster and Droitwich, though exclusive jurisdictions in name, paid the county rate. See P.P. 1836, XVIII, p. 90a (report from Clerk of the Peace of Worcs.).

## THE DEVELOPMENT OF THE PRESENT STRUCTURE

<i>Area</i>	<i>Acreage</i>	<i>Population</i>	<i>Remarks</i>
County of York ( <i>cont.</i> )			
Town and County of the Town of Kingston-upon- Hull	11,600	36,293	County corporate. <sup>1</sup>
Borough and Liberties of Beverley	9,370	8,302	Exclusive jurisdictions by charter: raised their own rates.
Borough of Hedon	1,440	1,080	
North Riding	1,271,350	178,096	Claimed exemption from county rate though they ap- parently availed themselves of certain county services. In both towns, no separate county rate was levied, but the neces- sary costs defrayed from the poor rate. <sup>2</sup>
Borough of Richmond	2,310	3,900	
Borough of Scarborough	2,160	8,760	
West Riding	1,587,400	963,468	The Borough and part of the Liberty was in the West Riding, the rest of the Liberty in the North Riding.
Liberty of Ripon	42,490	12,882	
City and County of the City of York with its Ainsty	52,440	35,362	Of these totals, 49,720 acres and 9,102 population were in the Ainsty, which was subject to the jurisdiction of the York magistrates. A county rate was levied in the City and Ainsty.

<i>WALES<sup>3</sup></i>	<i>Population</i>	<i>Remarks</i>
County of Anglesey	45,650	
Borough and Liberties of Beaumaris	2,675	Exclusive jurisdiction by charter.
County of Brecknock	42,737	
Borough of Brecon	5,026	Exclusive jurisdiction: separate county rate.
County of Caernarvon	66,448	
County of Cardigan	64,780	
County of Carmarthen	89,350	
Borough and County of the Borough of Carmarthen	9,955	County corporate.
Borough of Kidwelly	1,435	Exempt from county rate by charter.

<sup>1</sup> 960 acres with 32,588 population in the 'Town Part' and 10,640 acres and 3355 population in the 'County Part'.

<sup>2</sup> See Report of Commissioners on Boundaries of Municipal Corporations (P.P. 1837, XVIII, pp. 102, 154).

<sup>3</sup> No acreages are given in the Census returns for Wales.



<i>Area</i>	<i>Population</i>	<i>Remarks</i>
WALES ( <i>Cont.</i> )		
County of Denbigh	83,629	
County of Flint	60,012	
County of Glamorgan	126,612	
County of Merioneth	35,315	
County of Montgomery	66,482	
County of Pembroke:		
Town and County of the Town of Haverfordwest	3,915	County corporate, also with its own Lord-Lieutenant.
Borough of Tenby	1,942	Exclusive jurisdiction.
County of Radnor	22,190	
Borough of New Radnor	2,461	Separate jurisdiction.

It is difficult to know how to reckon the Cinque Ports towns since they might be reckoned together as a single 'county' unit; on the other hand, they raised their rates individually. The seven ports and the eight corporate members should perhaps be counted as separate administrative units,<sup>1</sup> and these have been included in the list.

Further, mention might be made of places partially exempt from county rate on the grounds that they defrayed directly some of the charges (usually a bridge) which would otherwise have fallen on the county, e.g. Leominster in Herefordshire, Preston in Lancashire and Usk in Monmouthshire. The small parcels of land which enjoyed exemption from county rate without providing their own services can also be mentioned here. Examples are in Devonshire, the Parish of Haccombe;<sup>2</sup> in Middlesex, the Parish of Trinity, Minories, the Liberty of the Old Artillery Ground, the Middle Temple and Furnivall's Inn; in Nottinghamshire, a place of about twenty-three acres called Randall's Lodge; in Shropshire, the Liberty of Albrighton; in Staffordshire, the Adbaston School Estate; in Worcestershire, the Manor of Grafton. There were similar places in the counties corporate and boroughs, as in Canterbury, the White, Black and Grey Friars, and the Poor Priests' Hospital; in Brecon, the College, or in Haverfordwest, an open space called Furzy Park. Most of these

<sup>1</sup> S. and B. Webb, *The Manor and the Borough*, II, p. 373.

<sup>2</sup> 'This is the property of Sir Henry Carew, Bart., and claims exemption even from the King's Taxes, I understand', wrote the Treasurer of Devon to the Select Committee on County Rates in 1825 (Report, p. 140).

places were extra-parochial, and this sort of question will be referred to subsequently under that head.

The subsequent history of this system of units may be referred to here. In 1835, the Municipal Corporations Act made all boroughs which should not have received their own court of quarter sessions subject to the county rate and administrative jurisdiction. Those which should receive quarter sessions of their own, would pay the county direct for the cost of prosecutions at the assizes, but would raise their own borough rate in the nature of a county rate. But the treasurer of the county was to send to those quarter sessions which had *not* been exempt before the Act from the paying of the county rate, a statement of what the borough owed for the general county expenses, based on the proportion of their previous contribution. This principle was reaffirmed by the 1882 Municipal Corporations Act (sec. 152), although the expenses to which boroughs not exempt before 1832 had to contribute were defined as excluding not only the cost of prosecutions at Assizes (which they paid direct to the county in any case) but also the cost of certain services which the quarter sessions boroughs provided for themselves — coroners, weights and measures inspection, lunatics, adulteration acts and main roads. Thus a borough even if it had its own quarter sessions, continued right up to 1888 to make some payment to the county, if it had done so before 1832; thus Liverpool contributed about £11,000 per annum to the general county expenditure of Lancashire. Thus the question of which boroughs did or did not pay the county rate in 1834 had an effect on relations between counties and boroughs for more than another fifty years.

It remains to draw attention to certain remarkable characteristics of the county boundaries in 1834. These may be classified under the subjects of 'outliers' and 'overlapping'. There were numerous outliers — detached parts of counties, completely surrounded by other counties. There was a whole complex of these islands on the borders of Warwickshire, Worcestershire and Gloucestershire — a situation not rectified until 1931. The County of Durham had detached parts in Northumberland (Bedlingtonshire, Norhamshire, Islandshire) and one (Craikshire) in the North Riding, doubtless originating in the overlordship of the Palatine Bishopric of Durham over them. Flintshire had detached portions in Denbighshire and Cheshire, and still has the detached Hundred of Maelor between Shropshire, Denbigh-



shire and Cheshire. The Borough of Dudley in Worcestershire is completely cut off from its parent county by an intervening strip of Staffordshire. In 1834 there were about 122 'parishes, tithings or hamlets', or portions of them, geographically separate from the county to which they belonged.<sup>1</sup> It is not easy to account for all these county outliers; they are most probably due to 'the very ancient connection between property and jurisdiction',<sup>2</sup> which led to the incorporation of detached portions of property into the county in which the main part of the property was situated. In 1832 the (Parliamentary) Boundary Act (2 & 3 Will. IV, c. 64) had dealt with these outliers for the purpose of parliamentary representation, by stating in which county they should be included for the election of Members of Parliament. In most cases, it added them for this purpose to the counties in which they were geographically situated. But in certain cases they were to be regarded as included in the counties to which they traditionally belonged. This was done apparently in cases where there were specially difficult complications (as on the borders of Worcestershire, Warwickshire and Gloucestershire) or where the detached portions were of considerable size (as in the case of Flint). In 1844, by 7 & 8 Vict., c. 61, the provisions of the 1832 Act were applied to those outliers for all purposes; hence most of the detached portions were thus transferred to the counties in which they were geographically situated. The outlying parts of Durham went to Northumberland and the North Riding, Halesowen from Shropshire to Worcestershire, etc. But those outliers included in the parent counties for parliamentary purposes by the Act of 1832 remained as local government outliers under the Act of 1844.

The problem of overlapping affected some eighty-five parishes which were partly in one county and partly in another. That this was an anomaly of long standing is shown by the provision in the 1601 Poor Law Act (43 Eliz., c. 2) that 'if a parish lies in two or more counties, or if a part is within a town corporate and part without' then the justices see each to their own part only. Although a House

<sup>1</sup> See 2 & 3 Will. IV, c. 64, Schedule M, and Population Abstract, 1831. These were presumably based on the 1825 House of Commons 'Return of Insulated parcels of land belonging to each County or division in England and Wales, but locally situate within another County' (P.P. 1825, XXI, pp. 295 sqq.).

<sup>2</sup> F. Pollock and F. W. Maitland, *History of English Law* (pp. 518 sqq.), who cite the case of the Oswaldslaw Hundred of Worcestershire which was shown in Domesday Book to include land outside the county boundary, due to the fact that the land, like the Hundred itself, belonged to the Church of St. Mary at Worcester.

of Commons return in 1826 listed those 'Parishes or Townships which extend into two or more Counties',<sup>1</sup> the problem was not dealt with until the appointment of the 1873 Select Committee on Parish, Union and County Boundaries and the subsequent Divided Parishes Acts of 1876, 1879 and 1882.

In general, even where there were not these examples of outliers and overlapping, the county boundaries did not in 1834 correspond to natural or social divisions. The frequent use of rivers as boundary lines was one reason for this, and the frequency with which they overlapped the poor law unions, constructed in the years following 1834, generally on the lines of convenience of access to the main centres, is a further proof of this. On the other hand, as regards size and population, the counties of 1834 could have provided workable units even on much more recent standards. As the table shows, even when the boroughs raising their own rates had been excluded, 35 of the 55 English counties and divisions of counties had populations of at least 100,000; in Wales the units were much smaller, only one (Glamorgan) being over 100,000. The exclusion of the 15 counties corporate and 99 other boroughs presents a reasonably close parallel to the relationship of county boroughs to administrative counties after the 1888 Act. But what is striking is the fact that status was due to past importance or perhaps even in some cases to historical accident and not to the realities of area and population as they were in 1834. That Birmingham and Manchester were not boroughs in 1834 is well known, but that Liverpool, already a borough of history and importance, should not enjoy the independence *vis-à-vis* Lancashire, its county, which apparently small towns in Cornwall or Kent did is remarkable. Thus even if the principles of the structure were to be retained, the details would have had to be altered to bring the granting of exclusion from county jurisdiction on to grounds more significant in the light of the circumstances of the time.

### C. *The Hundreds*

The second tier in the hierarchy of local judicial and administrative areas was traditionally occupied by the hundred — or the corresponding units known as wapentakes in the Counties of York, Lincoln, Leicester, Nottingham, Derby and Rutland, or as wards in Northumberland, Durham, Cumberland and Westmorland. Their importance

<sup>1</sup> P.P. 1826, XXI, pp. 105 sqq.

was, however, very greatly diminished in 1834. The high constable or high constables of the hundred still acted as the intermediaries between county and parish authorities in the raising of the county rate, though this function was soon to be transferred to the new poor law unions. The hundred also remained to some extent a 'unit of obligation', notably in its liability to provide compensation for property damaged in civil disturbances, a liability not taken from it until the Riot (Damages) Act of 1886. Thirdly, the hundred was used as a unit for census purposes, and, indeed until 1851, was the only unit of this level employed for statistical purposes. But the hundred's position had to a large extent been taken over by the petty sessional division. The justices of the peace had long been accustomed to group themselves into 'divisions', according to the districts of their residence. By the Acts 9 Geo. IV, c. 43, 10 Geo. IV, c. 46 and 6 Will. IV, 12, they were empowered to adopt and to alter petty sessional divisions as they chose. They generally took the hundred as their basis, subdividing large hundreds and combining small hundreds. To facilitate this, they were empowered to transfer a parish from one hundred to another for convenience of administration, and considerable changes were thus made.

The number of hundreds in 1834 was about 800. Their areas varied greatly. Originally, the hundreds of the South and South-East were small and numerous, those of the Midland and Northern counties decreasing in number but increasing in size. The variation in hundred areas ranged from two square miles in Kent or Sussex to an average of 300 square miles in the six hundreds of Lancashire. It is not proposed to discuss here the origins of the hundred; indeed, as will be shown, the changes made in the hundred since the period of Domesday make the question of the early hundreds in many cases irrelevant to the situation in 1834. In two counties, Hants and Dorset, where the hundreds were particularly numerous and their areas very broken and ragged, the hundredal area had been discarded for all practical purposes; 'Hampshire and Dorset have been arranged (time out of mind) in Divisions, which obviate the inconvenience of numerous small Hundreds'.<sup>1</sup> On the other hand, in Norfolk and Suffolk, where the hundreds (especially after some consolidation in the eighteenth century) were fairly regular and homogeneous, they

<sup>1</sup> *Population Abstract*, 1831, p. xv. This Preface (pp. xiv-xvi) gives details of the traditional areas existing in 1834, with suggestions as to their origin.

had been adopted for poor law purposes by their incorporation as poor law Local Act incorporations, and they survived as poor law unions, and even subsequently to some extent as rural districts; the petty sessional divisions of East Anglia also corresponded in nearly every case to the hundreds. Finally, mention must be made of the intermediate divisions — five 'lathes' in Kent and six 'rapes' in Sussex — found in counties where the hundreds were especially small and numerous: in 1834, however, they are mainly noticeable because of their use in the population returns.

As has been mentioned in the case of Hants and Dorset, many of the hundred areas were of peculiar shape, with numerous outliers, corresponding in character and probably also in origin to the county outliers; there were also about 550 parishes which overlapped the hundred boundaries. The general character of the hundred areas varied greatly. Apart from the variation in size according to counties, there was a further difference between hundreds in the same county owing to the proportion of moor or marsh or forest included; the more closely settled agricultural areas forming smaller hundreds. Similarly, sometimes the boundaries seem to follow natural barriers — rivers or moors or forests; sometimes they seem purely arbitrary and may have been the result of a partition of the county into a predetermined number of units; sometimes their artificial complexity is attributable to the adjustment of the administrative area to that of feudal land ownership. The hundred names sometimes give clues to the nature of the area, since in many cases the name is that of a township or of a meeting place — usually a landmark, like a tree or cross — and this would form the centre around which the hundred would be formed, although subsequent boundary changes might result in the original meeting place being at the edge of the hundred in its later form.<sup>1</sup> As an administrative unit, the hundred was no longer important in 1834. On the other hand, its area was significant, because of the fact that so many petty sessional divisions, while their formation might lead to incidental modification of hundred boundaries, were most frequently based, if not on single hundreds, on combinations or

<sup>1</sup> According to the 1851 *Population Abstract*, 362 of the hundreds took their names from towns or townships. Examples of meeting places are Normancross (Hunts), Grumbald's Ash (Glos.), Cosford (Suffolk) and many other references to hills, trees, stones, etc. See O. S. Anderson, *The English Hundred Names* (Lund, 1934) and bibliography given there. Other kinds of hundred names were of tribal origin (e.g. Happing, Lodding and Blything in East Anglia) or taken from manors (e.g. Berkeley in Glos.).

subdivisions of them. This petty sessional division area was later in the century to increase in importance from the administrative standpoint; it was taken as the area for most of the highway districts formed under the Act of 1862, and later, when a choice had to be made for a new basic unit of rural government, it might well have been that the petty sessional area, and not the union area, would have been chosen, its great advantage in the eyes of its protagonists being that it was, unlike so many of the union areas, entirely within one county. Had the petty sessional area been taken, then the areas of rural districts would have been in many cases broadly determined by the factors which led to the marking out of hundreds perhaps ten centuries before; as it was, the area framework of the rural districts remained (at least till the County Review Orders of the nineteen-thirties) that evolved by the Assistant Poor Law Commissioners after 1834.

Before leaving the hundreds, it is necessary to refer to the relation of the borough to the hundred. Perhaps all, and certainly many, boroughs were regarded as excluded from the hundreds in which they were geographically situated and forming in fact hundreds of themselves.<sup>1</sup> Some are so designated in Domesday Book — Chester, Shrewsbury, Cambridge, and many other boroughs of early foundation like Norwich, Thetford, Chelmsford, Maldon, Colchester, Winchelsea, Canterbury, Faversham, Exeter, seem always to have been specifically recognized as forming separate hundreds.<sup>2</sup> But whether this position should be automatically accorded to all municipal corporations seems not absolutely certain. "The exact position in the county organization of those boroughs which were not counties in themselves seems to have varied from county to county, and from function to function. For most purposes, in most counties, the borough seems to have been treated as a separate hundred."<sup>3</sup> As the hundreds were in fact superseded by the petty sessional divisions, so too the power of the borough justices to hold petty or special sessions, with which the county justices would not compete, provides another ground for counting the boroughs as separate units on the same level as the hundreds, but excluded from them. Thus to the total of some 700 hundreds and analogous units, should be added at

<sup>1</sup> See Stubbs, *Constitutional History of England*, I, p. 102 (1903 edn.).

<sup>2</sup> *Population Abstract*, 1831, p. xvi.

<sup>3</sup> S. and B. Webb, *The Manor and the Borough* (London, 1924), I, p. 328n.



this level of the hierarchy some 200 corporate towns. Just as at the county level, there were, side by side with the counties, the counties corporate and those more favoured boroughs raising their own rate in the nature of a county rate (corresponding approximately to the quarter sessions boroughs with exclusive jurisdiction), so too at the next level of the hierarchy were the hundreds and by their side and separated from them the corporate towns as a whole, including, of course, those which also had the higher immunity from county control.

The following table may help to show the distribution of hundreds by counties both originally and in 1834 and to show to what extent the petty sessional divisions resembled the hundreds in general number:

County	Hundreds at Domesday <sup>1</sup>	Hundreds in 1834	Petty Sessional Divisions <sup>2</sup>	Parishes <sup>3</sup>
Bedford	12	9	6	123
Berks	21	16	6	154
Bucks	18	8	11	202
Cambs	16	17	9	164
Chester	10	7	8	88
Cornwall	7	8	17	205
Cumberland	—	4 Wards	5	104
Derby	6 (Wapentakes)	6	6	139
Devon	33	32	18	467
Dorset	38	10 Divisions (40 Hundreds)	9	268
Durham	—	4 Wards	12	76
Essex	20	20	15	406
Gloucester	39	26	18	339
Hereford	19	11	12	219
Hertford	9	8	14	133
Huntingdon	4	4	4	101
Kent	68	68	14	407
Lancaster	6	7 <sup>3</sup>	28	70
Leicester	4 (Wapentakes)	6	6	212
Lincoln	30 Wapentakes 80 Hundreds	28 Wapentakes <sup>4</sup>	17	632
Middlesex	6	6	13	190
Monmouth	—	6	10	125
Norfolk	33	33	30	730
Northampton	28	20	8	303
Northumberland	—	6 Wards	8	85
Nottingham	7 (Wapentakes)	6 <sup>5</sup>	7	211

<sup>1</sup> From table in Stubbs, *Constitutional History of England* (Oxford, 1903), I, p. 107.

<sup>2</sup> From table in *Population Abstract*, 1831, p. xlix.

<sup>3</sup> The Lancashire Hundred of Lonsdale was divided in two.

<sup>4</sup> Including three hundreds in Lindsey and the Soke of Horncastle.

<sup>5</sup> Add also Liberty of Southwell cum Scrooby.

# THE SYSTEM OF AREAS IN 1834

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County	Hundreds at Domesday <sup>1</sup>	Hundreds in 1834	Petty Sessional Divisions <sup>2</sup>	Parishes <sup>2</sup>
Oxford	—	14	11	217
Rutland <sup>3</sup>	2 Wapentakes 1 Hundred	4 <sup>4</sup>	1	50
Salop	13	11	17	215
Somerset	58	40	20	475
Southampton	44	10 Divisions (40 Hundreds)	11	313
Stafford	5	5	8	142
Suffolk	28	21	18	510
Surrey	13	14	11	145
Sussex	58	71	17	311
Warwick	12	4	15	205
Westmorland	—	4 Wards	4	32
Wilts	40	29	15	300
Worcester	12	—	13	171
York- shire	{ E. Riding N. Riding W. Riding	{ 15 Wapentakes and 13 Hundreds	{ 7 Wapentakes 11 Waps., 1 Liberty 9 Waps., 1 Liberty	{ 12 17 19
York City and Ainsty	—	1	1	44
			523	9,852

## WALES

<i>County</i>	<i>Hundreds</i>	<i>Petty Sessional Divisions</i>	<i>Parishes</i>
Anglesey	6	3	67
Brecon	6	6	67
Caernarvon	10	5	71
Cardigan	5	9	65
Carmarthen	8	12	76
Denbigh	6	7	59
Flint	5	9	27
Glamorgan	10	10	127
Merioneth	5	6	34
Montgomery	9	6	54
Pembroke	7	7	145
Radnor	6	6	52
	<hr/> 83	<hr/> 86	<hr/> 844

The Welsh hundreds were formed after 1536 by a commission appointed by the Lord Chancellor, but they show examples of outliers, overlapping and so on similar to those of the much older English hundreds.

<sup>1</sup> From table in Stubbs, *Constitutional History of England* (Oxford, 1903), I, p. 107.

<sup>12</sup> From table in *Population Abstract*, 1831, p. xlix.

<sup>3</sup> Rutland comprised the territory listed in Domesday as a hundred of Northants and a part of two wapentakes of Nottingham (See *Victoria County History of Rutland*, I, p. 169).

<sup>a</sup> Including Oakham Soke.

The totals for England and Wales of petty sessional divisions and of parishes are 609 and 10,698 respectively. For hundreds, the figures listed above total 762. Totals given in the various authorities differ according to whether half-hundreds are counted, whether Dorset and Hants are reckoned by hundreds or divisions, which liberties are counted as hundreds, and so on. This total of 762 is based on the Population Returns of 1831; the *Population Abstract* of 1851 puts the figure at 799,<sup>1</sup> the Webbs speak of 900 including similar liberties and franchises (i.e. about 700 without the boroughs),<sup>2</sup> and Dr. William Farr, of the Registrar-General's Office, put the number in 1873 of 'Hundreds, Wards, Sokes, Rapes, Wapentakes and Liberties' at 818.<sup>3</sup> It is perhaps safest to give an approximate figure of between 700 and 800 for the total number of units of this class — excluding the boroughs.

#### D. *The Parish*

The third tier in the traditional structure of areas is that of the vill or township. Upon the framework of these Saxon units was imposed the ecclesiastical unit — the parish — and the feudal unit — the manor. Theoretically, the township, the parish and the manor should coincide. 'The typical manor is geographically coincident with a vill; manor and vill here are the same; the lord of the manor is lord of the vill.'<sup>4</sup> Without, however, considering, at this point, the factors leading to the separation of these units, it must be observed that in 1834 the local government unit is not the vill or manor, but primarily the ecclesiastical unit or parish — subject to the exception of the North where the parishes regularly included many townships.

Almost from the very beginning of poor law legislation, the Acts specified the parish as the unit of liability and administration. It is true that 12 Rich. II, c. 7 of 1388 prohibited any labourer from departing from any 'hundred, wapentake, rape, city or borough', where he was dwelling without a testimonial showing reasonable cause for his going, to be issued under the authority of the justices of the peace. If 'impotent persons' could not be supported in the towns in which they were living, they were to withdraw to other

<sup>1</sup> p. lxii.

<sup>2</sup> *The Parish and the County*, p. 286n.

<sup>3</sup> Report of the Select Committee on Parish, Union and County Boundaries (1873): Minutes of Evidence, p. 75.

<sup>4</sup> Pollock and Maitland, *History of English Law*, p. 584.



towns within the 'hundred, rape or wapentake'. Thus, had this precedent been followed, the hundred — or possibly, in later times the petty sessional division — would have been the poor law unit. But 27 Hen. VIII, c. 25 of 1536 put the duty of collecting voluntarily for the relief of the poor upon the churchwardens and two others of every parish and the head officers of corporate towns. There was, however, a provision for giving the surplus of wealthy parishes to others within the same city, borough or hundred. Since voluntary subscriptions were to be used, the services of clergy and churchwardens were enlisted by 1 Edw. VI, c. 3 of 1547 and 5 & 6 Edw. VI, c. 2 of 1551; it is perhaps this attempt to raise relief for the poor on a voluntary or charitable basis, with ecclesiastical exhortation and supervision, that was decisive in the selection of the ecclesiastical parish as the basis. The Church was the principal agency in the field of social service and the choice was quite natural. It is true that 14 Eliz., c. 5 of 1573 vested the power of assessment in the hands of the justices of the peace 'within their several divisions and authorities' and made the 'divisions' of the Justices the units liable for maintenance of the poor. However, 39 Eliz., c. 3 of 1598 and the fundamental Act, which really established the poor law system, 43 Eliz., c. 2 of 1601, took as the basic unit the ecclesiastical parish, and — with the exception of the Special and Local Act incorporations — it remained the unit till 1834.

From the fact that the parish was used for the administration of the poor law and the levying of the 'poor's rate', it came subsequently to be used for other purposes — like the maintenance of highways — and the raising of other rates. Thus from being an ecclesiastical and then a poor law unit, it became the general administrative unit for local purposes. Surveyors of highways<sup>1</sup> and petty constables<sup>2</sup> were appointed on a parochial basis.

While the substitution of the ecclesiastical parish for the ancient vill or township was satisfactory in the South, as they generally coincided, it was otherwise in the North, where the ecclesiastical parishes were very large and often included several townships.<sup>3</sup> In

<sup>1</sup> Beginning with the Statute for the Mending of Highways (1555).

<sup>2</sup> Though originally appointed for a township, the constable became in practice associated with a parish, especially after the Poor Relief Act of 1662 empowered him to levy a parochial rate for his expenses.

<sup>3</sup> Thus in Northumberland in 1834, there were only 85 parishes, in Durham 76 and in Lancashire 70.

1662 the Act 14 Car. II, c. 12 was passed to enable the 'inhabitants of Lancashire, Cheshire, Derbyshire, Yorkshire, Northumberland, the Bishopric of Durham, Cumberland, and Westmorland and many other Counties of England and Wales' to reap the benefits of 43 Eliz., c. 2 which they could not do, as their parishes were too large to allow of the 'personal knowledge of the situation and character of every one applying for relief' that was required. A great number of the Northern parishes were divided and some of those in the South also, when it was discovered that by dividing the parish it was possible to eliminate the settlement. Since persons acquired a settlement in a parish by birth or residence, if the parish were abolished by partitioning it, the settlements were abolished also. The procedure (its legal sanction seems uncertain) was for the ratepayers to agree to a division of the parish and to apply to the justices in quarter sessions to register and confirm it. Thus at the beginning of the seventeenth century, Coke had estimated the number of towns (i.e. vills) which were neither cities nor boroughs at 8000. In 1831, the census put the figure at 10,698. Yet the total number of parishes and townships maintaining their own poor in 1834 was 15,635.<sup>1</sup> In other words, about 5000 townships must have been separately administering their own poor relief. The inhabitants of parishes were in fact pressing for more division of parishes than the justices would allow. Lord Chief Justice Mansfield ruled that once one township of a parish had been separated from the rest and allowed to appoint its own overseers and levy its own poor rate, then the original parish had been destroyed, and the justices could not refuse to constitute the remaining townships into places separately maintaining their own poor. The King's Bench held that the Poor Law Amendment Act of 1834 did not give power to stop this process, and so in 1844 sec. 21 of 7 & 8 Vict., c. 101 made it illegal to appoint overseers for any place not already having them. Thus previously it was possible to define a parish as a place of which an incumbent was appointed, and a township as a place for which a constable was appointed; in the nineteenth century it became necessary to adopt the definition of the Interpretation Act of 1889 as 'a place for which a separate Poor Rate is, or can be, levied, and for which a separate overseer is, or can be, appointed'.<sup>2</sup>

<sup>1</sup> First Annual Report of Poor Law Commission (P.P. 1835, XXXV, p. 6).

<sup>2</sup> 52 & 53 Vict., c. 3, sec. 5.

The parochial boundaries were the subject of two special series of measures later in the century, one to deal with the problem of parish outliers, or the divided parishes, and the other to deal with areas which claimed immunity from parish jurisdiction, or 'extra-parochial places'. At this point it need only be stated that later inquiries showed that the number of parishes in two or more parts was nearly 1300, and that there were almost 600 reputedly extra-parochial places.

### *E. The Boroughs*

The boroughs in 1834 stood in many respects outside the three-tiered structure of traditional areas — county, hundred and parish. For the purpose of raising the county rate, about a hundred boroughs were in practice outside the counties, and upon an equal footing; nearly twenty of them actually enjoyed the name of county corporate, with the further privilege of electing their own nominee or nominees to execute the office of sheriff. As regards the military aspect of the county — the militia and lieutenancy — only two boroughs (London and Haverfordwest) were outside the county organization, although the Cinque Ports and the Tower Liberties were under the separate lieutenancy of their Lord Warden and Constable respectively. If some only of the boroughs were reckoned free of the county, virtually all could be reckoned as outside the hundred, and the possession of a separate magisterial jurisdiction, if only for petty sessions, could put nearly every borough in practice outside the petty sessional divisions. The relationship of the borough to the parish or township varied according to its size. In some cases, the borough would be co-extensive with a parish — or in the North with a township. Elsewhere, a borough might comprise only part of one (or perhaps more) parishes or townships. A large borough might comprise several different parishes, though some of these might be quite small.

This series of exceptions to the hierarchical structure of county, parish and hundred represented originally in a broad sense the agglomerations of urban population in the country. In 1834 this was no longer the case. Small country towns or even villages enjoyed municipal status, while the new towns of the industrial age, like Birmingham and Manchester, were without it. Yet the proportion of the population living in municipal corporations was a considerable

one. The Municipal Corporations Commissioners visited 285 places to inquire into this municipal organization, and reported that 246 were municipal corporations in more than mere name. The population of these 246 boroughs reported on by the commissioners was 2,028,513; the total population in England and Wales in 1831 was reckoned at 13,897,187, so about one-sixth of the population lived in municipal corporations, and thus under a system that was not part of the framework of county, hundred and parish.

The Municipal Corporations Commissioners in their report drew attention to certain features of the borough areas which may be regarded as constituting their distinctive characteristics. Firstly, their boundaries were often discontinuous, so that there were outliers of municipal territory some distance away from the main area of the borough. To quote a single example, the Borough of Brecon included within its area the Ward of Trecastle which was some ten miles away from the boundaries of the rest of the borough.<sup>1</sup> The position was, of course, especially complex in the case of the Cinque Ports, whose head ports claimed jurisdiction over towns and villages often many miles distant from their own borough boundaries; Hastings, for instance, claimed that its franchise included two places forty and fifty miles away. These outliers of the boroughs were areas that constituted an exception to the control of the counties and hundreds in which they were situated. But the boroughs had to face a similar position within their own areas, for there were numerous parcels of land within their boundaries which were exempt from their jurisdiction, owing their immunity to royal or ecclesiastical privileges. They were to be found at York, Lincoln, Norwich, Chichester and elsewhere: in Canterbury there were no less than fifteen precincts.<sup>2</sup>

These anomalies might be classed as of a minor character, to be remedied by rectification of boundaries. But there were two more striking features of the borough areas. On the one hand, many boroughs no longer included within their boundaries the whole of a continuous 'built-up' area, which can perhaps be regarded as the essence of a borough. For borough boundaries often remained static while the population expanded and overflowed into new suburbs. Thus the Commissioners found that Bristol had a population of

<sup>1</sup> See Report of Commissioners on Municipal Corporations (P.P. 1835, XXIII) Appendix, I, p. 177.

<sup>2</sup> Report of Commission on Municipal Corporations (1835), pp. 30-1.

57,000 within the borough, but should also be able to claim as its own citizens 45,000 in the suburbs; Rochester had 9981 within and 22,000 without the borough boundaries; for Carlisle the figures were 8356 and 10,713, and for Hull 32,598 and 20,000 respectively.<sup>1</sup> Yet in some boroughs the situation was exactly the reverse, because they had attached to them really considerable stretches of rural territory, if not exactly on the same footing as the urban wards, at least subject to the borough magistrates and the borough rates. Thus, for example, York had within its jurisdiction the Ainsty, consisting of '35 Townships or other parochial districts, comprehending a large extent of agricultural country, and extending to a distance in one direction of ten miles from the city'.<sup>2</sup> At the 1831 Census its area was 49,720 acres with a population of 9102.<sup>3</sup> Doncaster had a similar territory or 'soke' extending in one direction seven or eight miles from the borough, with an acreage of 10,730 and a population of 1633.<sup>4</sup> Coventry had, until 1842, within the jurisdiction of its magistrates, not only a 'city' area, but a separate 'county' area of 10,150 acres and a population of 10,760. Coventry ceased to be a county corporate by 5 & 6 Vict., c. 110, sec. 1. In Shropshire, both Shrewsbury and Wenlock (and to a lesser degree Bridgnorth and Oswestry), had considerable tracts of rural territory as liberties within the jurisdiction of the borough magistrates. The inclusion of rural land within the same bounds and subject especially to the same rates as urban areas evoked considerable local opposition, at any rate from the rural inhabitants. 'Where a Rural District is part of the Borough, dissensions easily arise, from a real, or even from a supposed, diversity of interests, which are not unlikely to increase with the increasing wealth of the Borough. In a rich Town large and expensive improvements may fairly be made for the comfort and convenience of the townspeople; to these the agricultural portion of the Borough, who generally form the minority, will be obliged to contribute, without sharing in the advantages of them, or, in case they should be numerous enough to form the majority, they may oppose serious obstacles to the improvement of the Town.'<sup>5</sup> In the

<sup>1</sup> Ibid.

<sup>2</sup> Reports from Commissioners on Municipal Corporation Boundaries (P.P. 1837, XXVIII), III, p. 398.

<sup>3</sup> *Population Abstract*, 1831 (P.P. 1833, XXXVII), II, p. 756.

<sup>4</sup> Ibid., p. 826.

<sup>5</sup> Report of Commissioners on Municipal Corporation Boundaries, I, p. 4.



case, for example, of Saffron Walden, 'the Town is not lighted or watched; an attempt was made a few years ago to adopt the provisions of the general act for those purposes, but was defeated by the agricultural portion of the Ratepayers'.<sup>1</sup>

Two general aspects of the relation of the boroughs to the surrounding rural areas may be mentioned here. They suffered in the execution of their judicial and police functions from the fact that their populations were generally too small to allow of the upkeep of adequate gaols and police arrangements; on the other hand, the functioning of the forces of law and order in the counties suffered from the existence of the boroughs as enclaves within their areas.<sup>2</sup> A similar situation arose with regard to the control of markets, one of the most prominent of the functions carried out by boroughs in 1834. Most boroughs were market towns into which came the inhabitants of the surrounding countryside. The latter often complained that, as consumers of the market facilities, they should have a voice in their administration, which was unfairly managed by the corporations. 'The revenue derived both from the Tolls taken at markets and fairs, and from the Town Dues is a subject of general complaint grounded as well on the consideration that the money thus levied is seldom applied for the benefit of the community, as on the vexatious and injurious nature of that kind of taxation . . . Sometimes the dissatisfaction is increased from the consideration that the individual who takes the tolls to his own use discharges no equivalent duties.'<sup>3</sup>

The form of constitution of the municipal corporations previous to the Act of 1835 had led to the entrusting of 'police functions' to various independent bodies established by Local Acts. This led to division of authority between the corporation on the one hand and the commissioners on the other, and in some cases a single town might have more than one body of commissioners. 'Much confusion results from this divided authority. The powers of local taxation, and the superintendence of matters so closely concerned with the comfort and well-being of the inhabitants which are now exercised by these bodies appear precisely to correspond to that class of objects for which corporate authority was originally conferred; but

<sup>1</sup> Report of Commissioners on Municipal Corporation Boundaries, III, p. 135.

<sup>2</sup> S. and B. Webb, *The Manor and the Borough*, II, p. 723.

<sup>3</sup> Report of the Commissioners on Municipal Corporations (1835), p. 44.

great dissatisfaction would prevail among the inhabitants if these powers were entrusted to the Municipal Corporations as at present constituted.<sup>1</sup>

Altogether some 300 of these bodies of improvement, police or town commissioners had been constituted by Local Act by 1834, and of these some 200 were functioning outside what is now the London area.<sup>2</sup> If there was a borough in their area, then the area of the commissioners would be the borough or part of a borough; if there was no borough, then the area would probably be a parish or, in the North, a township of the large parish,<sup>3</sup> and the commissioners would to some extent fill the place of a municipality. These commissioners were concerned with the paving, lighting, watching and cleansing of the streets and sometimes also undertook urban improvements, the erection of a town hall, purchase and management of markets and, in the case of Manchester, a gas undertaking. As under the Act of 1835 they were empowered to transfer their powers to the reformed corporations, and most of them did so, they can be regarded as the predecessors of the modern municipalities in respect of many of the functions that are today regarded as characteristic of local authorities. In the urban areas where there were no boroughs, the improvement commissioners must be regarded as the direct prototypes of all the kinds of urban district council — local boards of health, local government districts, urban sanitary districts — created under the Acts of 1848, 1858 and 1872, which were to play so important a part in the local government of urban areas. It was therefore particularly significant for the future execution of sanitary and amenity functions that the improvement commissioners took as the basis for their areas those of boroughs, parishes or townships. For they thus, like the boroughs, represented the claims of the local urban grouping to be the unit of local administration. Counties, hundreds and even large parishes could be regarded in 1834 as examples of one type of local government area, that marked out by dividing the country from above; in 1834 because of the comparative difficulty of communications, this area would not have the sentiment

<sup>1</sup> Ibid., p. 43.

<sup>2</sup> S. and B. Webb, *Statutory Authorities for Special Purposes*, p. 244.

<sup>3</sup> For instance, the Manchester Police Commissioners in the Township of Manchester. Though the body had originally been set up for Salford as well, the Commissioners split — at first extra-legally — into separate bodies for the two townships. Ibid., p. 257.



of locality or neighbourhood. Such an area would also comprise both urban and rural components. Against this principle, there was already in 1834, and had always been, one of the building up of local government units from below, especially in urban areas, by making the nucleus of urban population the administrative unit. The traditional hierarchy of counties, hundreds and parishes exemplify the first principle; the boroughs and Improvement Act districts typify the second. The boroughs represented areas of immunity from the general structure, some at the county level, virtually all at the hundred or petty sessional level, an immunity in favour of the right of a compact and locally conscious urban neighbourhood to manage its own affairs.

In an age when communications were restricted to horse or boat, the desire to give administrative recognition to the neighbourhood consciousness of a local community meant that the administrative units could not—at any rate on any considerable scale—group urban and rural components in the same unit. Hence the principle of making the compact and conscious local community the unit was inevitably associated with the separation of town and country in local government. In 1834 this had led to a situation which foreshadowed in many ways the situation after the Acts of 1888 and 1894. Counties (and their divisions raising separate rates) could be compared to administrative counties; counties corporate and boroughs raising a rate in the nature of a county rate were analogous in status to county boroughs. The relation of all boroughs to the hundred or the petty sessional division was, broadly speaking, comparable to that of a modern non-county borough or urban district to a rural district. But it would not be true to say that the evolution from 1834 to 1888-94 was direct and inevitable. The two principles of delimiting local government areas were both to be put into effect in the reshaping of local units which the new needs of the century produced. The formation of the poor law unions in 1834 and the succeeding years shows the principle of division from above and the combination of urban and rural components in a single unit; associated with it, however, was the phenomenon virtually unique in the history of English local government, of the application of a scientifically deduced basic principle to the delimitation of areas, and their formation along the lines of uniformity and convenience. The rise of the urban district in its various forms is the example of the other

principle of the urban community receiving independent administrative status. The rural district was an uneasy and accidentally evolved compromise between the two principles.

Yet the changes in areas from 1837 to 1888 were not concerned only with the basic recasting of the structure of areas. The areas in 1834 contained at every level numerous examples of what may be termed anomalies of boundaries. The problems of outliers, of overlapping, and of 'lagoons of immunity' recurred in the areas of county, hundred, parish, township and borough. The task of dealing with these individually small but collectively enormous anomalies was one that occupied very considerable time and attention, and which had to be settled before the real recasting of areas was effected. It was added to by the new examples of overlapping caused by the new poor law unions, and the fact that the increasing demand for new services was followed by their provision on the basis of *ad hoc* authorities and areas. The history of local government in the next thirty-five years between 1834 and 1870 shows a proliferation of new areas and authorities, which overlay the traditional structure whose units (except for the reformed boroughs) were regarded as unfitted, because of the constitution of their governing bodies, to provide the local services in the new democratic age. It is arguable that had the internal structure of county government been altered like that of the boroughs, in 1835, instead of in 1888, that much of the complexity of nineteenth-century local government might have been avoided.

## CHAPTER II

### AUTHORITIES FOR SPECIAL PURPOSES: 1834-70

#### A. *Introductory*

THE period 1834-94 is the one in which the modern system of local government areas was developed and completed. During the period as a whole, three features are observable:

1. The tendency to create *ad hoc* bodies for particular services and then to absorb them in compendious authorities.
2. The transference of powers from smaller to larger units — from parishes to districts and from districts to counties.
3. The persistence of the borough principle — the idea of the urban community as an enclave within the ordinary system of district administration, and to some extent of county administration also, coupled with the extension of the principle to cover a far greater number of urban areas as the new types of urban district councils were created.

But the period 1834-94 falls for purposes of analysis into two convenient divisions. During the first, from 1834 to 1870, the need for a more efficient and democratically constituted administration was felt in relation to different local government services — and new units of administration were created for them. Yet the units varied from service to service. The poor law was given in 1834 to the union of parishes — combining urban and rural components in one unit. Highways were given first an improved parochial administration in 1835, and then, in 1862, the creation of highway districts was embarked upon. Sanitary administration was dealt with by the Act of 1848 which entrusted it to the boroughs, and to new local boards in other urban areas, each covering a comparatively small district. In rural areas, the unit of sanitary administration was not definitely fixed, some powers being given to the unions, others to the parishes. The small unit was also employed for the purpose of the Burial Acts, and, in most cases, for education. The result of this method of treating each service individually was to create a bewildering complex of areas and authorities, and it was during the second main period (1870-94) that various solutions were considered for sorting it out

and finally the two Acts of 1888 and 1894 were passed, which established a uniform system of local administration at both the county and the district level respectively.

In choosing areas of administration for the new or reformed functions of local government, it was not inevitable that new areas should be created. The adoption of the county was unlikely, because it had no representative body to govern it. But the parish was also a traditional unit, and one which had numerous supporters. The Sturges Bourne Acts of 1818 and 1819, establishing general powers for the creation of select vestries, gave parishes the possibility of a more efficient constitution; Hobhouse's Act of 1831 made possible the adoption of a more democratic one.<sup>1</sup> Given such a method of self-government, the 15,000 parishes could retain their traditional functions and take on new ones. The 1833 Lighting and Watching Act could be adopted by parishes, and they were still the units under the Highways Act of 1835, which sought to modernize the administration of the highways. The definition of a parish under this Act included many hamlets or tithings of parishes which were not separate parishes for poor law purposes. The Act provided for the appointment of a parish surveyor, elected by the persons rateable for highway expenses, but a highway board, which could appoint a clerk and an assistant (i.e. professional) surveyor, could be elected by the vestry only in parishes over 5000 population. The Act also empowered the county Justices in Quarter or Special Sessions to combine parishes into a district for the appointment of a common surveyor or highway board, but only if the parishes consented; apparently only one such combination of parishes into a highway district under the 1835 Act took place.<sup>2</sup> This idea of the parish and unit actually found practical expression in the Highways Act of 1835. The unpaid and amateur statute labour was discarded and a paid surveyor working under an elected highway board could replace the old parish officers in parishes over 5000 population. But the area was to be the highway parish—every 'Parish, Township, Tithing, Rape, Vill, Wapentake, Division, City, Borough, Liberty, Market

<sup>1</sup> By 1831 the provisions of the Select Vestries Acts had been adopted by 2349 parishes. See J. Redlich and F. W. Hirst, *Local Government in England* (1903), I, p. 162.

<sup>2</sup> Select Committee of the House of Lords on Highway Acts (P.P. 1881, X). Evidence of Lambert (Q. 80), which refers also to nine parishes of over 5000 population having highway boards under the 1835 Act and still existent in 1881.

town, Franchise, Hamlet, Precinct, Chapelry, or any other place, administering its own highways' was to continue to do so. But the possibility that the parish might become the basic unit of a reformed system of local government — the equivalent of the *commune* in the Continental system — had already been rendered virtually unrealizable by the Poor Law Amendment Act of 1834, for this discarded the parish as the administrative unit in what was perhaps the service most characteristically and traditionally associated with it — the poor law. But though the highway parish continued long after it should logically have disappeared it was already in 1835 hopelessly out of date, as advances in communication, as well as the need for a minimum population and rateable value, made a larger area essential. The parish movement was to continue throughout the nineteenth century, and became of considerable importance during the debates on the 1888 and 1894 Local Government Acts; indeed, the latter was commonly known as the Parish Councils Act, as that was regarded by many as the main purpose of the Act.

#### *B. The Poor Law Unions*

The Act of 1834 substituted for the parish as the unit of poor law administration the union of parishes, and since the formation of these unions was carried out on new and interesting lines, it is important to consider this process in some detail. But though the unions were the first systematic grouping of parishes over the whole country, they were by no means the first attempt to produce a combination of parishes for poor law purposes. From an ordinance of the Commonwealth in 1647<sup>1</sup> right up to the passing of the Poor Law Amendment Act in 1834, there were passed a succession of Local and Special Acts, each altering the application of 43 Eliz., c. 2 in respect of some specific area. Special incorporations of the poor — each with its own peculiar constitution — were set up by these Acts, and, in addition, they could be established under Gilbert's Act of 1782, which was an enabling Act to allow them to be formed without the need for recourse in each case to Parliament. In many cases, one of the features of these incorporations — often in fact the main object — was the combination of several parishes into a unit for poor law purposes, and it is this aspect only of the incorporations that is of interest in connection with the development of areas.

<sup>1</sup> Renewed in 1662 — to establish an Incorporation, etc., for the City of London.



The Act of 1601 (43 Eliz., c. 2) required the overseers and churchwardens — with the consent of the local Justices of the Peace — to raise money for the relief of the 'impotent', but it also imposed on them the duty of raising 'a convenient stock of flax, hemp, wool, thread, iron', etc., and setting the poor persons to work on this stock. Now to put this industrial programme into effect, at least two things were needed — a workhouse (hence the origin of the term) and efficient supervision. Yet the Act did not permit either the building or the purchase of workhouses, and the overseers were unwilling and unpaid annual officers. Therefore reformers in the seventeenth century saw the need for a workhouse — not as a deterrent test of 'less eligibility' as in the nineteenth century — but, as its name implied, for use as an industrial establishment; they also saw the need for a staff of paid officials who could devote the necessary time, and had the requisite skill, for 'setting the poor to work'.<sup>1</sup> But both these implied an area larger than that of the parish, and the famous Bristol Act of 1696 (7 & 8 Will. III, c. 32) — the first after London — made the City of Bristol the unit, amalgamating for this purpose all the nineteen parishes within the city limits. The Act 'for erecting hospitals and workhouses within the City of Bristol for the better employing and maintaining of the poor' gave power to provide workhouses and employ paid officers under a board of incorporated guardians (the 'Corporation of the Poor'). The example was soon followed by similar Local Acts obtained for Crediton, Tiverton, Exeter, Hereford, Colchester, Hull, Shaftesbury (all by 1698), King's Lynn (1700), Sudbury, Gloucester (1702), Worcester (1704), Plymouth (1708) and Norwich (1712).

In 1772 Sir Edward Knatchbull's Act (9 Geo. I, c. 7) gave churchwardens and overseers the power — with the consent of the inhabitants — to purchase or hire a workhouse or workhouses 'to keep, maintain and employ all poor persons' and 'persons refusing to be kept and maintained in them to be declared ineligible for relief'. But the idea was still not yet 'less eligibility', but the desire to utilize profitably the labour of the poor. Sir Matthew Hale wanted to use the labour of the paupers to make cloth. Even John Cary, who had inspired the Bristol Act, wrote that workhouses would see to 'making

<sup>1</sup> See Sir Matthew Hale, *Discourse touching Provision for the Poor* (1683); Sir F. M. Eden, *State of the Poor* (1797); Richard Dunning, *A Plaine and Easie Method showing how the Office of Overseer of the Poor may be managed* (1689).

multitudes of people serviceable who are now useless to the nation' (*Essay towards regulating the Trade and Employing the Poor of this Kingdom*: 1700). But Defoe (*Giving Alms No Charity and Employing the Poor a Grievance to the Nation*) pointed out that it was impossible to increase the trade of the nation in this way. The number of workhouses, however, did increase. In 1732, 'An account of several workhouses for employing and maintaining the Poor' gives a list of forty-five workhouses in London and fifty-one in the provinces (in twenty-one different counties) and shows that the rates in these districts went down to between 25 and 65 per cent of the previous expenditure. But there were still two main defects in the general poor law legislation. First, there was no general sanction for the employment of paid officers, and the unpaid overseers were quite incapable of managing workhouses alone.<sup>1</sup> Secondly, the provisions of the 1722 Act were defective. Only two small parishes could unite — not a large and a small parish, or two large parishes; there was no provision for the building — as distinct from the purchase or renting — of a workhouse. Hence it is not surprising that there were no less than eighty-nine Private Acts obtained between 1722 and 1795. The principal ones (including amending Acts — italics) were for Canterbury, Worcester, Kingston, Bury St. Edmunds, Chichester, Exeter, Bristol, Plymouth, Chester, Gloucester, Queenborough in Kent, Oxford, Southampton, Hereford, Exeter (again), Maidstone, Plymouth Dock and Stoke Damerel, Gloucester (again), Birmingham, Bradford in Wiltshire, Shrewsbury, Exeter (again), Plymouth (again), Westbury in Wiltshire, Romford, Barking, Exeter (again), Highworth in Wiltshire, Manchester, Sunderland, Stone, Tewkesbury, Whitchurch, Worcester (again), Bedford.<sup>2</sup>

Schemes were also advanced for dealing with the problem on a general basis throughout the country, and especially in the rural areas. Cary suggested making the county the basis, the Justices and all the freeholders becoming the authority.<sup>3</sup> Locke, in a report as Com-

<sup>1</sup> See Dr. Burn's *History of the Poor Law* (1764); *An Inquiry into the Management of the Poor and Usual Policy respecting the Common People, with reasons why they have hitherto not been attended with success* (1767); *Observations of the number and misery of the Poor and the Heavy Rates levied for their Maintenance* (1765).

<sup>2</sup> See Poor Law Commissioners' Eighth Annual Report, pp. 54 sqq.

<sup>3</sup> If this seems an unusually large area for the period, see the Act 9 Geo. III, c. 82 of 1769 (repealed four years later) which provided that the freeholders of all Devonshire should meet annually on Whit Monday to choose stewards, who would run a sort of sickness benefit society for the poor.



missioner of the Board of Trade in 1697, had already proposed that workhouses should be set up on a hundred basis. William Hay twice had resolutions passed (1735 and 1736) in the Commons to establish workhouses in suitable districts in each county; a Select Committee of the Commons in 1759 supported the combination of parishes to provide a workhouse. An interesting — and, because its effects have survived, an important — scheme, which put this into practice, was the incorporation of various hundreds in Norfolk and Suffolk for the administration of the poor law. The East Anglian hundreds were of regular size and shape, but since they were not very large some were paired for incorporation. The Suffolk incorporations were:

1756 Colneis & Carlford.

1764 Mutford & Lothingland: Bosmere & Claydon: Loddon & Clavering: Wangford: Samford: Blything: Loes & Wilford.

1778 Stow.

In Norfolk:

1775 East & West Flegg: Mitford & Launditch.

1776 Forehoe.

1785 Tunstead & Happing.

Similarly, by 11 Geo. III, c. 43 of 1771, the thirty parishes of the Isle of Wight were incorporated like a Suffolk hundred.

In 1782 Gilbert's Act (22 Geo. III, c. 83) was passed as an enabling Act. It empowered parishes to unite for the purpose of maintaining a common poor-house, provided that no parish was distant more than ten miles from the intended site of the poor-house. All the rate-payers assessed at £5 or over were to elect three persons for each parish and from these the Justices were to nominate one as guardian for a year; the Justices could also appoint a permanent 'Governor' and a 'Visitor' of the workhouse. But all the functions then performed by the overseers (except rating) were to be carried out by the parish guardians. A two-thirds majority of the rate-payers of a parish could adopt the Act, but by 1795 only a few cases of this had occurred (see Eden, *op. cit.*). Since Gilbert's Act could be adopted merely by this majority resolution, and a Local Act was very expensive, it is remarkable how many Acts were still being

obtained. For instance, in 1791-92—to take a year at random—Local Acts were obtained by:

- (1) A number of rural parishes in Oswestry Hundred — and other parishes of Shropshire and Denbighshire.
- (2) The associated Parishes of Ellesmere, Middle Barchurch, Hordley and Hadnal Chapelry.
- (3) For Atcham, Wroxeter, Berrington, Cund, Eaton Henley, Leighton, Uffington, Upton Magna, Cressage.
- (4) Montgomery and Pool.

Perhaps the reason for the dislike of Gilbert's Act (this was certainly alleged against it by the Poor Law Commissioners) was that a clause required the provision of work if the applicant for relief was unemployed, yet forbade it to be given in a workhouse.<sup>1</sup>

The period between 1795 and 1834 was one of increasing out-relief, starting with Sir William Young's Act (36 Geo. III, c. 23), enabling Justices to order domiciliary relief, and the introduction of the so-called Speenhamland system. Yet it saw both a large number of Local Acts and numerous adoptions of Gilbert's Act. To quote only places outside the Metropolis, which obtained Acts for the first time, these were: Aldbourne (Wiltshire), Alfreton (Derbyshire), Bathwick (Somerset), Buxton (Norfolk), Chatham, Coventry, Leicester, Rochester, Shardlow and Wilme (Derbyshire), Strood and Westfriele. It is noticeable that many of these were quite small country places; some of these like Shardlow and Westfriele obtained Acts constituting unions of rural parishes, rather like the incorporated hundreds of Norfolk and Suffolk.

At least 65 Gilbert's Act unions were formed altogether, involving a total of 963 parishes, or about 15 parishes each. Some of these, like Basford (Notts.), Great Ouseburn (Yorks.), and Preston contained 40 parishes each; Barwick (Yorks.) had 42, Alstonefield (Derby and Staffs.) 44, Thurgaston (Notts.) 49 and Caistor (Lincs.) 52. On the other hand, there were also a few individual parishes that adopted Gilbert's Act for themselves alone (e.g. Alverstoke, Arundel, Farnham). Though some of the Gilbert's Act unions were quite

<sup>1</sup> 'When there shall be in any Parish, any poor person or persons able and willing to work, but who could get no employment, the Guardians should agree for the labour of such persons at any work or employment suited to his or her strength and capacity, in any Parish, Township or place, near the place of his or her residence, and to maintain or cause such person or persons to be properly maintained, lodged and provided for until such employment can be provided.'

large, the grouping of parishes was not systematic. The combinations chosen seems haphazard, and (apart from the stipulation that no parish should be more than ten miles distant from the workhouse) there was no regularity in the relation between the constituent parishes. They were often not even adjacent. Thus Thurgaston's 49 parishes were nearly all separate from one another; the Bedworth Incorporation's 12 parishes were in 9 separate groups. This was to prove a distinct obstacle when the country as a whole was divided into unions.<sup>1</sup>

Yet, although there had been so many unions created under Gilbert's Act or by Local Acts, it seems unlikely that their example inspired the creation of poor law unions under the Report and Act of 1834. The Poor Law Commission's report only mentions them in one cursory appendix (Report of Captain Chapman), and the Commission when established really only discovered them when it was found that they were proving a most awkward obstacle to the formation of the new unions all over the country. The inspiration of the 1834 Report and Act was much rather the *a priori* reasoning and reforming spirit of the Benthamites. Chadwick, the moving force behind the Report, had been Bentham's assistant in the compilation of the Constitutional Code, whose provisions for an Indigence Relief Ministry and its local machinery so closely foreshadowed the reform of the poor law.<sup>2</sup> The Commissioners who produced the Report saw the existing evils clearly, and intended the creation of unions to correct them. The parishes were too small to be effective units of administration. Of the 15,635 parishes at the 1831 Census, 6681 had less than 300 population, 1907 under 100, and 737 under 50. Such parishes could not maintain a proper poor-house if they tried to; it was 'a miserable abode, occupied rent-free by three or four dissolute families, mutually corrupting each other'. Even the 5353 parishes whose populations ranged from 300 to 500, could not have an efficient poor-house except at disproportionately heavy expense. Though the larger parishes could afford a poor-house and could fill it, it was not filled properly. There was no classification, even the largest parish having only a general 'mixed' workhouse. These 'were occupied by 60 or 80 paupers, made up of a dozen or so neglected children (under the care, perhaps, of a pauper), about 20 or 30 able-

<sup>1</sup> See Poor Law Commissioners' Second Annual Report, p. 395.

<sup>2</sup> See Dicey's *Law and Opinion in England* (Lecture VI).

bodied adult paupers of both sexes, and probably an equal number of aged and impotent persons, proper objects of relief. Amidst these, the mothers of bastard children and prostitutes live without shame, and associate freely with the youth, who have also the examples and conversation of the frequent inmates of the county gaol, the poacher, the vagrant, the decayed beggar, and other characters of the worst description. To these may often be added a solitary blind person, one or two idiots, and not unfrequently are heard, among the rest, the incoherent ravings of some neglected lunatic'.<sup>1</sup>

With the parish as a basis, it was hopeless to expect schoolmasters for the children, medical care for the infirm, skilled supervision for the labour of the able-bodied, proper attention for the lunatic. The remedy was classification, and, to make this possible, with the employment of paid officers and the reduction of the cost per head, the answer was the combination of parishes into unions. But though expenses and administration were to be on a union basis, chargeability (i.e. responsibility for the payment of relief to paupers) was still to be on the parish, and it remained there until 1865.

Neither Report nor Act specified the method whereby the unions were to be formed, nor gave any specification as to their size and population. Indeed, there was no instruction that the whole country should be divided uniformly into unions. But the 'three Kings of Somerset House' set to work thoroughly. They sent out fifteen Assistant Commissioners each to a separate area. These started first in the South — where the position was most serious; in the second year of their operations they went on to the West and the Midlands; finally, they passed to the industrial North, where they met considerable difficulties. In their first report the Commissioners showed that during the year 1835-36 there had been formed 112 unions, covering 2066 parishes; this was 10 per cent of the population of England and Wales and one-sixth of the total rateable value. In this year they covered the whole of Berkshire, with 11 unions; they formed 12 unions in Hertfordshire, one in Gloucestershire, 2 in Wiltshire, 3 in Essex, 21 in Hampshire, 11 in Oxfordshire and 7 in Buckinghamshire. In the year 1836-37, the second Report could show the formation of 239 unions comprising 5846 parishes; this was no less than 35 per cent of the total population, and including the work

<sup>1</sup> Report of the Royal Commission on the Poor Laws (P.P. 1834, XXVII), pp. 303 sqq.

of the previous year, 65 per cent of the total rateable value had been covered. By the third Annual Report (1837-38) another 5138 parishes were brought into unions, leaving only 1337 parishes outstanding. In the fourth year of their activity (1838-39) a further 17 new unions were formed from 264 parishes. Ten other parishes were absorbed in unions already existing, so 274 parishes in all were dealt with in this year. This left a hard core of 1063 parishes, comprising 283 under Gilbert's Act (12 Gilbert's Act unions and 5 separate parishes) and 364 parishes in Local Act unions and 11 separate parishes under their own Local Acts. The remaining 405 parishes could not yet be included in unions because they were situated in the middle of Gilbert or Local Act areas. In these four years, therefore, the Commissioners, with the aid of their Assistant Commissioners, had performed a really formidable task — the formation of so many unions all over the country and setting them in motion, the issue of innumerable instructions and institution by-laws and the like, by the help of which the most inexperienced of guardians could run a union with adequate efficiency.

Yet what is even more remarkable is that, in spite of the speed with which the work was carried out, it was done so well. The unions formed in these years provide an orderly and illuminating contrast to all other English local government areas. The secret of the success lay in the method with which the task was approached. It was the only time England and Wales were systematically divided up for local government purposes on a logical plan.

Fifteen Assistant Commissioners were dispatched from London, each being given a few counties to 'unionize'. These original assistant Commissioners were one or two ex-Army officers, several barristers, one or two solicitors, and two or three 'private gentlemen'.<sup>1</sup> They started with the Southern counties, where as the first Annual Report put it 'vicious modes of administration had become the most deeply rooted, and where the pauperized classes were the most demoralized, and the burthens of the ratepayers were the heaviest'.<sup>2</sup> The procedure of the Assistant Commissioners was simple and efficacious. They made a quick survey of the ground, they held conferences with interested parties — the principal landowners, rate-

<sup>1</sup> Evidence of R. Weale to the Royal Sanitary Commission of 1869 (P.P. 1871, XXXV), QQ. 10780 sqq.

<sup>2</sup> Op. cit., p. 9.



payers and parish officers — in each district. They formed a scheme for the creation of unions, and explained it to the local people. If parishes objected to being included in a union, they were heard, but there was not much difficulty in persuading them. The advantages and economy of unions were demonstrated; workhouse provision and bulk purchase of supplies at a lower cost would be possible; paid officers would be appointed and the larger the area, the greater the field from which suitable persons could be drawn. Local jealousies and animosities, inevitable in parish administration, would be lost in the wider area. There would be an end to the disadvantage of local influence in the small parishes, where farmers acting as officers would be subject to solicitation from paupers who were their labourers or shopkeepers from their customers. Even inter-parochial feuds were overcome by pointing out that by the inclusion of distant parishes in the union, the rival neighbour could be out-voted.<sup>1</sup> There would no longer be invidious comparisons between the treatment of paupers in adjoining parishes, and the new guardians — especially with their stiffening of local Justices as *ex officio* members — would be bodies capable of enforcing even an unpopular policy against any attempt at intimidation. In other words, the parish officials, farmers and landowners in the Southern counties were persuaded that the unions would be a great improvement.

The speed, however, with which the unions were formed was due also to another factor. The parishes saw that they were being grouped in unions that were convenient to themselves. 'The most convenient limit of unions which we have found has been that of a circle, taking a market town as a centre, and comprehending those surrounding parishes whose inhabitants are accustomed to resort to the same market. This arrangement was highly convenient for the weekly attendance of the parish officers, and some portion of the guardians and other auxiliaries to good management were derived from the town itself.'<sup>2</sup> Thus, while the farmer or the labourer, the guardian or the pauper might think it a disadvantage to have to leave his own parish on poor law business, the disadvantage was brought to the minimum, because he went to the town to which he would normally go for marketing or similar purposes.

The size of unions was limited by the need not to have too much

<sup>1</sup> Op. cit., p. 11.

<sup>2</sup> First Report of Poor Law Commission, p. 12,

business for the new board to comprehend. The Commissioners hoped that as business became 'methodized' smaller unions could be expanded. Different Assistant Commissioners seem to have had their own individual principles for the formation of unions. For example, Sir Edmund Walker Head, who formed the unions in Kent, liked to have his unions of roughly equal size. 'With the exception of Romney Marsh, the whole of East Kent, 500 square miles in area, is now grouped into compact unions of parishes; these unions are all very nearly of the same size, all contain very nearly the same population, all have voluntarily adopted for their workhouses the same low, cheap, homely building; all have agreed in placing it at the centre of their respective unions; all have reduced their medical expenses very materially, and all have determined to procure bread and provisions for the poor by open contract.'<sup>1</sup>

This desire for equal and compact unions is in contrast to the principle adopted by Mr. Alfred Power, who formed the unions in the South Midlands, and allowed considerable variation in accordance with local circumstances. 'I believe that, with scarcely any exception, every parish in the district has been attached to that centre, to which from its position or other local circumstances it ought naturally to belong . . . The unequal dimensions of some of these unions, as regards area and population' (from Chelmsford — 24,212, to Buntingford — 6327) 'has arisen in great measure from the inconvenient position of some of the central places, the different densities of population in different parts, and the different size and numbers of the parishes to be included.' The advantages to be gained from large unions were limited by the question of the distance of parishes from the central point; this was of importance for the question of having a convenient number of guardians readily available for the dispatch of business, as well as from the magnitude of the details involved in managing a very large union. It had originally been proposed that the Royston and Buntingford Union (21,998 inhabitants in all) should form one union of forty-five parishes; this would provide a population not greater than those of some other unions already established, but such a union would involve an excessively large number of *ex officio* guardians, and the great distance which the elected guardians would have to travel to the place of their weekly

<sup>1</sup> Report of Sir E. W. Head to Commissioners — Appended to their First Report, p. 104.



meeting was also decisive against the scheme. A separate Buntingford Union was accordingly formed following 'the earnest wishes of many of the most respectable residents in the neighbourhood'. Similar considerations dictated the creation of the Unions of Hertford and Caxton, whose populations (12,155 and 8993) and rateable values (£8202 and £6027) were comparatively small.<sup>1</sup>

By the second Annual Report of the Commissioners, complaints about Gilbert and Local Act unions were pouring in. For a voluntary dissolution of a Gilbert or similar union, a two-thirds majority of the guardians was required. It was essential to abolish these Gilbert Act incorporations and Local Act unions, because they stood in the way of the formation of regular unions; charges of mismanagement were also brought against them, e.g. against Blyford Incorporated Hundred, and it was alleged that their Acts were defective and inconsistent with the new poor law principles. From Sussex Mr. Hawley reported that he found the Gilbert Act unions a great hindrance; their administration showed up very badly against the background of the new unions which he had formed.<sup>2</sup> From Surrey it was reported that the formation of a new union in the Farnham area was held up because the guardians of a small Local Act incorporation refused their consent.<sup>3</sup> Mr. Gilson reported from Nottinghamshire that he was being impeded by the Thurgaston Incorporation, containing forty-nine more or less separate and detached parishes. These had to be split up and re-integrated in the new unions.

In the third year of their operations, the Assistant Commissioners proceeded to Lancashire and Yorkshire. Here they met considerable opposition, for since these districts were not so subject to the abuses of the old poor law, they were less willing to surrender their parochial independence than were those of the South. The poor also voiced their objections to being herded into 'bastilles'. There were riots at Bradford and elsewhere, and the Commissioners had to proceed slowly. Here too they found difficulties caused by the existence of these special incorporations. It was desired to set up unions based on Ripon, Knaresborough, Otley, Tadcaster and Pontefract respectively; these towns were so 'situated with regard to each other and the rest of the West Riding market towns that they might become

<sup>1</sup> Op. cit., pp. 135 sqq.

<sup>3</sup> Op. cit., p. 306.

<sup>2</sup> Second Report, p. 206.

centres of five considerable unions, with an average radius of 6-7 miles'. This plan was spoilt by the existence of four Gilbert Act unions whose centres were in every case in an 'obscure village'. Many townships were thirteen miles off by road from the workhouse, while adjacent townships were not in the same union. Leeds, with a population of 22,063, shared with thirty-three other townships a workhouse seven miles away from Leeds itself. When the Northern unions were eventually formed, they were smaller in area than others in the rest of the country but equal in population owing to its greater density.<sup>1</sup>

In the Fourth Report the Commissioners were firm. 'We regret to be compelled to state that unless additional facilities are afforded to us for the dissolution of these unions, we can entertain no expectation of completing the local organization of the country in the way contemplated by the Poor Law Amendment Act, and in the manner most convenient to the public.'<sup>2</sup> They showed by means of maps how the incorporations, which they had been able to break up, had to be completely recast, when new unions were formed. Thus the Bedworth Incorporation, whose twelve parishes had been in nine separate groups, now formed part of six new unions; similarly the eleven pieces of the Bakewell Incorporation were included in two new unions. The Commissioners were able to dissolve the Ouseburn Incorporation because they found it had not been properly incorporated. They were also able subsequently in 1845 to dispose of the previously troublesome Farnham Incorporation.

By 1843 the Commissioners secured the passing of the Act 7 & 8 Vict., c. 101 by which they could dissolve a Local Act incorporation without the two-thirds majority of the guardians, but only where the population was lower than 20,000. The position in April 1841 had been that 776 parishes, with a total population of 1,715,156, were not under the Poor Law Amendment Act. This was made up as follows:

1. Under Local Acts	229 parishes	1,298,856 inhabitants
2. Under Gilbert's Act	288 „	167,721 „
3. Other parishes, which could not be unionized until after (1) and (2)	259 „	248,589 „

<sup>1</sup> Third Report, pp. 14 sqq.

<sup>2</sup> Loc. cit., p. 4.

In 1847 there were still  $2\frac{1}{2}$  million people living in 48 old unions, which had not yet been brought under the Poor Law Amendment Act; 17 of these were under Gilbert's Act and 31 under Local Acts. The position remained thus without much change until 1856, when a Parliamentary return gave the following position:

<i>Name</i>	<i>County</i>	<i>Population</i>	<i>No. of Parishes</i>
<i>1. Gilbert Act Unions</i>			
Alstonefield	Staffs.	1,880	4
Ash	Hants and Surrey	2,070	4
Bainbridge	N. Riding	4,928	8
Barwick-in-Elmet	"	17,565	42
Brinton	Norfolk	296	2
Carlton	W. Riding	67,207	40
Caton	Lancs.	9,044	17
East Preston	Sussex	14,876	19
Farnborough	Hants	2,633	4
Great Preston	W. Riding	23,177	41
Headley	Hants	3,136	3
Sutton	Sussex	7,052	16
<hr/> 12 Unions		153,864	200
<i>2. Single Parishes under Gilbert's Act</i>			
Alverstoke	Hants	16,908	
Arundel	Sussex	2,748	
		<hr/> 19,656	
<i>3. Unions under Local Acts</i>			
Bristol	Glos., Som.	65,716	19
Bury St. Edmunds	Suffolk	13,900	2
Canterbury	Kent	14,100	14
Chester	Cheshire	25,623	2
Chichester	Sussex	8,465	9
Coventry	Warwicks.	36,812	2
E. and W. Flegg	Norfolk	8,497	20
Exeter	Devon	32,818	22
Forehoe	Norfolk	13,565	23
Isle of Wight	Hants	50,324	30
Kingston-on-Hull	E. Riding	50,670	1
Montgomery and Pool	Mont., Salop	16,561	18
Mutford and Lothingland	Suffolk	20,163	24
Norwich	Norfolk	68,058	43
Oswestry	Denbigh., Salop	22,761	14
Oxford	Berks., Oxon	19,009	11
Plymouth	Devon	52,221	2
Salisbury	Wilts.	8,930	3
Shrewsbury	Salop	23,104	6
Southampton	Hants	34,098	6
Tunstead and Happing	Norfolk	15,614	41
<hr/> 21 Unions		601,009	312

4. <i>Single Parishes under Local Acts</i>	<i>Population</i>
Birmingham	173,951
Brighton	65,569
Liverpool	258,236
St. George's, Hanover Square	73,230
St. Giles in the Fields	54,214
St. George's, Bloomsbury }	
St. James's, Clerkenwell	64,778
St. James's, Westminster	36,406
St. Leonard's, Shoreditch	109,257
St. Luke's	54,055
St. Mary and St. John, Worcester	65,609
St. Mary, Islington	95,329
St. Marylebone	157,696
St. Mary, Newington	64,816
St. Pancras	166,956
Stoke Damerel	38,180
<hr/>	
5 Provincial and 11 Metropolitan	1,478,282 <sup>1</sup>

Thus, in 1856, there were still 2,252,811 persons living in areas not under the Poor Law Amendment Act of 1834. But in that year Bristol and Exeter agreed, after protracted negotiations, to come into the general scheme.<sup>2</sup> Oswestry and Chester joined in 1861;<sup>3</sup> Norwich came in when its Local Act was changed in 1863 by 26 & 27 Vict., c. 93.<sup>4</sup> The Isle of Wight Incorporation was brought in by voluntary agreement in 1865.<sup>5</sup> The eleven Metropolitan parishes which were still outstanding were brought in by the Metropolitan Poor Act (30 Vict., c. 6), sections 73 and 74 of which authorized the issuing of the necessary orders by the Poor Law Board.<sup>6</sup> In 1868 the remaining areas — with a population of 180,000 — were compulsorily brought into the general scheme by the Act 31 & 32 Vict., c. 122, which empowered the board to take the necessary steps.<sup>7</sup> The Webbs pointed out that eight unions retained the old areas of Local Act incorporations, and their Local Acts were not repealed (East and West Flegg, Exeter, Hull, Norwich, Plymouth, Oxford, Oswestry).<sup>8</sup>

The poor law unions were recognized as being convenient areas of administration from the very start, for when a national system for the registration of births, marriages and deaths was introduced in

<sup>1</sup> House of Commons Return, April 25th, 1856.

<sup>2</sup> Poor Law Board, Ninth Annual Report, 1856, p. 10.

<sup>3</sup> Fourteenth Annual Report, 1862, pp. 13-16, 27-8.

<sup>4</sup> Sixteenth Annual Report, 1864, pp. 21-2.

<sup>5</sup> Eighteenth Annual Report, 1866, pp. 18-19.

<sup>6</sup> Twentieth Annual Report, 1868, p. 6.

<sup>7</sup> Twenty-first Annual Report, 1869, pp. 22-4.

<sup>8</sup> S. and B. Webb, *English Local Government*, VIII, p. 116.

1837, they were adopted as the registration districts; this, incidentally, explains the curious English practice of combining the functions of registrar and relieving officer. The Poor Law Commissioners were able to amalgamate parishes to form a union for the purposes of the Registration Act, even if they were unable to do so for the purpose of the Poor Law Amendment Act itself. They took advantage of these powers when dealing with refractory Northern areas and thirty-one registration unions were formed (e.g. Ashton-under-Lyne), and these were subsequently converted into ordinary poor law unions.

An important change in the financial area of poor law administration was made by the Union Chargeability Act of 1865. This made the union and not the parish the area for settlement and rating. It was brought about by the intense distress caused during the Lancashire cotton famine of 1861, during which many parishes were so stricken that they could not discharge the relief functions devolving upon them. The transfer of responsibility to the larger area was intended to avoid this, and 'if the Union Chargeability Bill had been in force in 1861, it would have sufficed to meet the distress in many of the manufacturing unions'.<sup>1</sup>

The balance of the evidence, and opinions expressed, indicate that the unions were suitable and convenient areas of administration, judged by the conditions prevailing at the time when they were formed. This is brought out by the evidence given to the Royal Sanitary Commission in 1870 by Mr. R. Weale, who had been for thirty-three years a Poor Law Assistant Commissioner or Inspector and had formed many of the original unions:

- Q. 10,788 (Mr. F. Bircham). You were in the service of the Poor Law Board, were you not, a good many years ago, when the earlier Unions were constituted? — Yes, I formed 33 or 34 Unions myself.
- Q. 10,789 Upon what principle was the area of the Union constituted? — The first thing was to look for a convenient centre, and then, taking the Parishes around it and nearest to the town for all purposes, where the medical man resided, where the Bench of Magistrates was assembling, and generally speaking, the town that supplied the general wants of the district.
- Q. 10,790 And the workhouse came to be built with reference to the shape of that Union afterwards? — Yes, I should say that in

<sup>1</sup> Dr. John Watts, *The Facts of the Cotton Famine* (London, 1866), p. 299.

the first formation of Unions the course which I adopted' and I believe some of my colleagues adopted the same course' was to take a map and determine in my own mind, what I thought a good centre of the Union would be; then I summoned all the Churchwardens and Overseers of those Parishes, and wrote to all the gentlemen interested in property, asking them to meet me at a particular spot, and I stated to them where I proposed to place the Union, and if they could give me any good reason why the place that I had selected was not a proper place, and that another would be more advantageous to them, I had no difficulty in changing the position of the Union; but I always considered the neighbourhood, as to what would be the most convenient spot for them, and then formed my own judgment, after having heard them, whether or not my original plan was a sound one. When the Union was formed, the Board of Guardians decided the spot where the workhouse was to be, and in many cases the workhouse was not built at the exact spot named as the centre of the Union.

- Q. 10,791 In fact, you took into consideration, as much as you could, the convenience of the governors and the governed? — Yes, exactly so.
- Q. 10,792 If you had the same duty to do again, has your experience suggested to you any correction of the principle? — None whatever.
- Q. 10,793 And the Unions have now become more difficult of alteration by reason of the building of workhouses, each with reference to the shape of the Union? — There is no doubt that our great difficulty would be in deciding, if a Parish were removed from one Union to another, what proportion should be paid to the outgoing Parish for their share in the workhouse, and then, if they were put into another, what proportion they should have to pay for the incoming one. I have done that in a few instances, and a most complicated piece of business it is.
- Q. 10,794 (Chairman). Did you try to make the areas coincident with Petty Sessional Divisions at all? — That was one element of consideration, but we could not follow it always, because otherwise we should never have gone out of one County. . . .
- Q. 10,796 . . . The principal thing was convenient access to the places where the poor persons were required to go to attend the Board of Guardians to state their case, where the doctor



lived that would supply them with medicine, and where they generally got their supplies from; that was the general principle.<sup>1</sup>

This testimony by Mr. Weale was fully supported by that of another person who had been intimately acquainted with the formation of the poor law unions in 1834, though not himself responsible for their constitution; he may therefore be regarded as quite an unbiased witness. Lord Kesteven told the Select Committee on Parish, Union and County Boundaries, in 1873, that he had observed the formation of the unions in Lincolnshire and the Soke of Peterborough. 'I have stated that the Assistant Commissioner who formed the boundaries, and who was a Mr. Pilkington, summoned to his meeting all the persons chiefly interested who chose to attend and give advice, and he endeavoured to meet their wishes in every practicable way; nothing could be more amicable than his manner was. He was very desirous of carrying out the law in an amicable spirit, and he was met in that spirit by the gentlemen of the neighbourhood. So these Unions were formed. They were then thought to be most convenient to the public.'<sup>2</sup> It is interesting to note that the Poor Law Commission, whose procedure was in so many ways the prototype of current administrative practice, also fully adopted the modern method of consultation with local and other special interests.

One is also struck, when examining the populations of the unions as first formed, by the fact that even by present-day standards they are considerable, and must then certainly have afforded an adequate basis for efficient and economical administration. The 1841 Census showed that only eight unions had a population of less than 5000; the rest were distributed as follows:

5,000 to 10,000	68
10,000 to 20,000	271
20,000 to 30,000	134
30,000 to 50,000	88
50,000 to 100,000	47
100,000 to 200,000	9
Over 200,000 (Liverpool)	1 <sup>3</sup>

<sup>1</sup> P.P. 1871, XXXV.

<sup>2</sup> P.P. 1873, VIII.

<sup>3</sup> Poor Law Commission, Thirteenth Annual Report, p. 179.



There were, however, several disadvantages which subsequently became apparent in the structure of the unions. Firstly, because they were formed on grounds of reason and convenience, they could not be made to fit in with the irregular boundaries of the historic counties. Consequently, no less than 181 unions overlapped the county boundaries. This problem, while not so important in the early days, became of great interest, when it was proposed to equip the counties themselves as primary units of local government. This subject will be dealt with further in connection with the Boundary Commissioners appointed under the Act of 1887. At this stage, it is only necessary to note that grave difficulties lay in the way of altering either the county or the union boundaries. To alter the county boundaries would involve the removal of traditional limits, most of which were nearly a thousand years old, and would require in any case special legislation. On the other hand, to alter the unions would involve complicated financial adjustments and might mean removing the workhouse which, of course, had been planned at the focal point of the original union.

Secondly, it must be remembered that the unions were devised just before the beginning of the railway age and in many cases their centres were not convenient from the viewpoint of railway communications. The Royal Commission on the Poor Laws of 1909 drew attention to this particular point and referred to one union whose workhouse was thirteen miles from the nearest railway station; this was, however, in Wales, where the provision of railways was less widespread than in England.

Thirdly, the market towns which had quite rightly been chosen as the centres of unions in 1834 did not all continue to enjoy the same importance. It has been pointed out that during the nineteenth century every other market town in England, generally speaking, remained stagnant or declined in importance. Hence there was considerable duplication among the centres of the rural unions.<sup>1</sup>

It was also not difficult to find various cases of particular unions which might have been delimited in a better way. It was pointed out already in 1845 that Lincolnshire unions were in general too large.<sup>2</sup> In particular, the Caistor Union was criticized; but it must be

<sup>1</sup> See H. J. E. Peake, 'Geographical Aspects of Administrative Areas', *Geography* (1930), XV, pp. 531-46.

<sup>2</sup> Poor Law Commission, *Eleventh Annual Report*, p. 14.

remembered that this Union took over the existing workhouse and area of a very large Gilbert's Act union.<sup>1</sup> The Wycombe Union had to be modified in 1846 by the Poor Law Commissioners themselves, because it was too large.<sup>2</sup> Again, it was pointed out by Lord Kesteven that the Uppingham and Oakham Unions came rather too near to Stamford because the country gentlemen in Rutland went to Oakham or Uppingham (which were in that county) and not to Stamford in Lincolnshire, even though the latter place might be nearer in distance to their estates and more convenient for other classes of the local population.

Another criticism — and one made by Edwin Chadwick himself — was that a single urban community was not always comprised within one union. 'In urban districts, what may be called natural and proper administrative areas, comprising a whole city or town, or the connected aggregation of houses with their suburbs, were cut up at the expense of efficiency and economy. Thus the City of Manchester, suburban as well as urban, is really cut up into four independent districts and administrations for relief, each separate board acting without any necessary contact with the others, or action in any common principle with the others, and being too small to effect at a moderate expense those executive arrangements of paid officers and means of providing and superintending work for meeting promptly extraordinary as well as ordinary destitution, which ought to be gained at a reduced expense, if they were made, as they ought to be, on the scale of the whole City, on both sides of the river by which it is divided. . . .'<sup>3</sup>

Yet, as a whole, the unions were conceived on a uniform and suitable plan, and fulfilled the famous dictum of Jeremy Bentham: 'Always to do the same thing in the same way, choosing the best, and always to call the same thing by the same name.' It is not surprising therefore that, when new units on which to place the increasing functions of local government were being sought, the poor law unions were always among the first to be suggested for this purpose. They had convenient areas, an organized administrative staff, medical officers, a uniform constitution, and were supervised by a zealous and efficient central department.

<sup>1</sup> Evidence of Lambert to 1873 Committee (P.P. 1873, VIII), p. 183.

<sup>2</sup> Twelfth Annual Report, p. 15.

<sup>3</sup> E. Chadwick, *Comparative Results of the Chief Principles of Poor Law Administration of England and Ireland compared with that in Scotland*, p. 8.

### C. Health Authorities

The problem of health and sanitation was handled on lines very different from that of the poor law as regards the choice of the areas of administration. Here the principle adopted was that of the urban neighbourhood — to give each local urban community the means of arranging its own health and sanitary provision. The result was that the rural areas were largely outside the framework of health administration, and the problem of the 'sixties and early 'seventies was to give them suitable units of local government. Perhaps the reason that a start was made by concentrating on the needs of the urban areas was that their need was so pressing, as manifested in the cholera outbreaks of 1831, 1849 and 1854, all of which were followed by important developments in local government; the first led to the temporary formation of boards of health both nationally and locally, the second was succeeded by the Public Health Act of 1848 and the third by the reorganization of the Central Health Department in 1855.<sup>1</sup>

In the 'forties there was no uniform provision for sanitary administration in the various parts of the country. In towns it was generally the care of the numerous bodies of improvement or town commissioners, set up under Local Acts; yet, even in 1848, 276 of the towns with a population of over 5000 had no arrangements whatsoever for public health and sanitation, the care of streets or the supply of water. In the rural areas there were before 1846 no arrangements at all.

The Royal Commission presided over by the Duke of Buccleuch, which produced its second report in 1845, made certain important recommendations with regard to the areas which should be used for sanitary purposes. They stressed that the areas of any local authorities dealing with this problem should be enlarged so that they were co-extensive with drainage areas. It is essential to appreciate the connection — so evident at this period — between sanitary areas and the physiographic conditions governing sewerage and water supply. The Buccleuch Commission further recommended that in all cases the local administrative body appointed for the purpose should have the special charge and direction of all the works required for sanitary purposes but should be under a general supervision of the Central

<sup>1</sup> For this, see Sir John Simon, *English Sanitary Institutions* (1897), pp. 160-77.

Government. In order to remedy evils arising from the limited jurisdiction of existing authorities for drainage purposes, and to render unnecessary frequent applications to Parliament for additional powers and extensions of jurisdiction, they thought that the Crown should be empowered to define and enlarge from time to time 'the area for drainage included within the jurisdiction of the local administrative body'.<sup>1</sup> Finally, they stressed that 'the management of the entire drainage area, as defined for each district, should be placed under the jurisdiction of one body'.

The Nuisances Removal and Diseases Prevention Act of 1846 (9 & 10 Vict., c. 96) gave summary jurisdiction to the Justices in petty sessions in cases of nuisances, acting on information by town councils in towns with a municipal constitution, by Local Act commissioners in other towns, and by the boards of guardians elsewhere. 'The inclusion of the latter may be said to have first extended sanitary legislation to rural districts.'<sup>2</sup> The Town Improvement Clauses Act of 1847 and the Town Police Clauses Act of the same year consolidated the existing sanitary legislation, but in 1848 the Public Health Act introduced a proper administrative structure for dealing with the problem. A General Board of Health was set up on the model of the Poor Law Commission established under the Act of 1834; it was a quasi-autonomous body with three members, one of whom was paid, and which was not responsible to Parliament in the same way as a Ministry under a Minister of the Crown. The Act gave wide sanitary and public health powers to any local body which adopted it, such powers being those which they could otherwise have obtained only by a Local Act including the relevant sections of the Town Improvement Clauses Acts. The Act could be adopted by a petition of the rate-payers of the area in question or, if the death-rate exceeded twenty-three per 1000, it could be imposed on an area by the General Board of Health. The General Board of Health was, on account of its non-responsible status, an unpopular body and after considerable modification it was finally abolished by the Local Government Act of 1858. This split up the powers of the Board, giving the medical ones to the Privy Council and its Medical Officer, and the legal ones to a Local Government Act Office under the Home Secretary.

<sup>1</sup> P.P. 1844, XVII.

<sup>2</sup> Second Report of Royal Sanitary Commission, p. 7.

### D. *Highway Districts*

The principle of proceeding to reform local government by bits — by giving authority to special bodies for special purposes — hindered the operation of the next important measure — the Highways Act of 1862. It was realized that the parishes were totally inadequate for purposes of highway administration, so the county Justices were empowered to combine parishes into highway districts. Boroughs however and local boards of health, constituted under the 1848 Act, were to retain control of their own highways. The scheme did not work at all smoothly. Several Quarter Sessions simply boycotted it, with the result that in some counties highway districts were never formed at all; these were Buckinghamshire, Norfolk, Rutland, Staffordshire, Westmorland and the East Riding of Yorkshire. Next, every parish showed the greatest reluctance to join its neighbours to maintain their common highways on a joint basis. Parishes feared that if they were put into a highway district, they would always be paying for the roads in the next parish — which they imagined to be excessively numerous or in unreasonable want of repair — and that in any case they could gain no advantage for themselves from their neighbours' roads being in a decent state. Small parishes saw a convenient loophole; they developed a keen interest in sanitation. Since local board of health districts retained control of their own highways, these small parishes rushed to acquire the status of local boards, although they had no intention in fact of ever building a sewer or providing a drain. The following figures of adoptions of the Public Health Act and the Local Government Act of 1858 show this process clearly enough:

In 1858-59 the Act was adopted by 35 places

„ 1859-60	„	„	„	31	„
„ 1860-61	„	„	„	7	„
„ 1861-62	„	„	„	27	„
„ 1862-63	„	„	„	95	„
„ 1863-64	„	„	„	84	„
„ 1864-65	„	„	„	23	„ <sup>1</sup>

Some very small parishes took the advantage, while they could, of adopting the Act for this purpose. Twenty-two had a population of

<sup>1</sup> Annual Reports to Home Secretary by the Local Government Act Office, I-VII passim.

less than 100, and 130 had a population of between 100 and 500.<sup>1</sup> The practice was stopped in the year 1863 by the passing of an Act which required a parish to have a population of 3000 before it could apply for the status of a local board of health. But unfortunately many of these small urban districts had already been formed and they survived until the County Review Orders of the 1930's. In 1921 it was estimated that fourteen of them still had populations under 5000, six under 2000 and three of less than 1000. In some cases an attempt was made by the Justices when forming highway districts to make them coincide as far as possible with the existing petty sessional divisions. This was especially the case in Gloucestershire; in Nottinghamshire the Justices tried to make them coincide, as far as possible, with the poor law unions. In Hampshire a more far-reaching attempt at co-ordination was tried. When the poor law unions had been formed, the Hampshire Justices had unsuccessfully attempted to get the Assistant Commissioner forming them to make them coincide with their petty sessional divisions. Failing in this, the Justices themselves formed their own divisions in 1846-47, making them coincident with unions; they had, however, to omit in each case those parishes of the unions which were not in the County of Hampshire. In 1863 they made these petty sessional divisions the basis for their highway districts, and in many cases the waywardens and the guardians were identical; they were also able to use the same clerks and treasurers for both authorities, and the highway district surveyor acted also as sanitary surveyor.<sup>2</sup>

The following table will indicate the extent to which the Justices used their powers of combining parishes into highway districts, and also will give some indication of the numerical relationship between these highway districts and the petty sessional divisions. Column (1) gives the number of divisions formed, column (2) the number of parishes combined, column (3) the number of parishes not combined for highway purposes and column (4) the number of petty sessional divisions in the county:

<i>County</i>	(1)	(2)	(3)	(4)
Bedfordshire	5	137	None	7
Berkshire	6	100	107	12
Buckinghamshire		Not divided		12
Cambridgeshire	1	42	84	10

<sup>1</sup> 169 H. of C. 1981 - March 26th, 1863.

<sup>2</sup> Royal Sanitary Commission, Evidence of Huskinson, QQ. 8528 sqq.; Eversley, QQ. 5495-7, and written Evidence - letters and memoranda, section A.



<i>County</i>	(1)	(2)	(3)	(4)
Cheshire	12	411	1	14
Cornwall	18	198	3	16
Cumberland	5	170	215	10
Derbyshire	1	16	330	13
Devonshire	25	425	9	22
Dorsetshire	9	297	None	9
Durham	10	265	2	16
Essex	8	199	230	17
Gloucestershire	19	306	38	24
Herefordshire	9	246	19	13
Hertfordshire	7	124	None	15
Huntingdonshire	5	100	None	5
Kent	18	378	None	17
Lancashire	9	117	333	31
Leicestershire	9	345	None	9
Lincolnshire	2	52	662	19
Middlesex	1	8	33	19
Monmouthshire	8	139	None	12
Norfolk		Not divided		26
Northamptonshire	10	322	34	11
Northumberland	6	357	297	13
Nottinghamshire	8	286	None	7
Oxfordshire	9	307	None	10
Rutland		Not divided		—
Shropshire	13	226	41	19
Somersetshire	19	485	None	22
Southampton	23	308	None	14
Staffordshire		Not divided		19
Suffolk	5	206	285	19
Surrey	11	111	2	12
Sussex	2	36	259	18
Warwickshire	4	78	209	14
Westmorland		Not divided		—
Wiltshire	13	335	6	15
Worcestershire	8	173	73	17
York, East Riding		Not divided		12
"    North Riding	16	675	None	19
"    West Riding	4		875	25
Denbighshire	5	73	78	—

The other counties in North Wales were not divided into highway districts; in South Wales the highways had been — since 1844 — under special highway authorities on a county basis, with district boards subordinate to the County Roads Boards.<sup>1</sup>

### *E. The Urban Districts*

During this period the formation of Urban Districts proceeded apace, quite apart from the spurious formations during 1863, to which reference has already been made.

The following table gives the number of local boards and local boards of health, formed under the various Public Health and Local

<sup>1</sup> House of Commons Returns, July 19th, 1869; April 2nd, 1873, for Highway Districts; February 4th, 1878, for Petty Sessional Divisions.

Government Acts, as they were in 1868. It does not include in the totals those local boards situated in towns which had also municipal corporations, nor those Improvement Act, or similar, commissioners still functioning, who were exercising powers under the Public Health Acts. The idea is to give the number of towns which had some sort of local government authority, other than a municipal corporation or one of the old Local Act improvement bodies.

Bedfordshire	3	Rutland	—
Berkshire	2	Shropshire	5
Buckinghamshire	4	Somersetshire	10
Cambridgeshire	3	Staffordshire	21
Cheshire	26	Suffolk	1
Cornwall	9	Surrey	7
Cumberland	9	Sussex	9
Derbyshire	22	Warwickshire	7
Devonshire	15	Westmorland	3
Dorsetshire	4	Wiltshire	4
Durham	19	Worcestershire	7
Essex	11	East Riding	5
Gloucestershire	12	North Riding	13
Hants and I.O.W.	14	West Riding	107
Herefordshire	2	WALES:	
Hertfordshire	6	Anglesey	—
Huntingdonshire	—	Brecknockshire	3
Kent	10	Caernarvonshire	4
Lancashire	76	Cardiganshire	2
Leicestershire	6	Carmarthenshire	1
Lincolnshire	17	Denbighshire	2
Middlesex	11	Flintshire	2
Monmouthshire	8	Glamorganshire	10
Norfolk	5	Merionethshire	3
Northamptonshire	1	Montgomeryshire	2
Northumberland	14	Pembrokeshire	1
Nottinghamshire	9	Radnorshire	1
Oxfordshire	6		

In addition at least sixty-six towns had both local boards or local boards of health as well as their municipal corporations; there were also about twenty bodies of improvement commissioners still exercising public health functions.

The area of these local board districts was almost invariably a parish, a part of a parish, or perhaps at most two or three parishes. They did not bear any relationship to drainage areas or other natural districts. In the North, where the parishes were very large, the area of a local board was usually confined to a single township. As regards the sanitary government of the urban areas of the country as a whole, the Royal Sanitary Commission found that about 700 urban localities were under no less than seven different types of administration for public health purposes.

1. Boroughs under Local Acts: e.g. Liverpool, Birmingham, Manchester.
2. Large boroughs under the general Public Health Acts: e.g. Bradford, Bristol, Gloucester, Great Yarmouth, Oldham, Swansea, Lincoln.
3. Small boroughs not under the Public Health and Local Government Acts: e.g. Stafford (Corporation and Improvement Commissioners), Tiverton (Corporation under special Act), Basingstoke, Chichester (Paving Commissioners, but no sanitary work done), Seaford (old Corporation, but Vestry as nuisance authority).
4. Small boroughs under the Public Health and Local Government Acts: Banbury (Corporation and Local Board), Knaresborough (Corporation and Local Board), Llanelly (Corporation and Local Board).
5. Non-corporate towns not under Public Health and Local Government Acts: Tunbridge (Vestry Committee under Sewage Acts), Stow-on-the-Wold (Committee of the Vestry), Dorking (no local government), Surbiton (Improvement Commissioners), Epping (no local government).
6. Non-corporate towns under Public Health and Local Government Acts: e.g. the Local Boards of Croydon and Merthyr Tydfil.
7. Rural and semi-rural places not under the Public Health and Local Government Acts.<sup>1</sup>

The activity of the local boards in the smaller urban areas left much to be desired, but the situation was far worse in the rural areas. "There is no doubt that in a great number of instances, particularly those of the smaller and semi-rural districts, local boards, practically, do little more than the duty of highway surveyors . . . Yet the great difficulty is not in the towns or semi-rural districts, with populations dense and large enough for efficient government by local boards under the Local Government Act, but in thinly inhabited rural parishes. Here the impatience of rates and the ignorance of sanitary truths concur in their extreme forms; and though it may be easy to frame laws as to nuisances, main sewerage, water supply and such matters, for places of this class, it is extremely difficult to devise a local body for the execution of those laws."<sup>2</sup>

The position in these rural areas had in fact been seriously

<sup>1</sup> Royal Sanitary Commission, 1869-70, Second Report, *passim*.

<sup>2</sup> Report of Mr. Tom Taylor on the working of the Local Government Act Department of the Home Office: Local Government Board First Annual Report, 1871-72, p. xliii.

worsened by the complications introduced into the problem of areas by new legislation. It will be recalled that under the 1848 and earlier Acts, as well as the Local Government Act of 1858, the authorities in towns were the municipal boroughs, improvement commissioners or local boards; in the rural districts what powers there were in regard to sanitary matters — mainly those of complaint — were exercised by the guardians. The unions, therefore, provided the executive framework for the operation of the sanitary laws in rural districts, and this was rather convenient, since they already possessed an administrative staff and medical officers; unfortunately the guardians were not always as active in using their powers and their staff as they should have been. But a series of Acts introduced between 1865 and 1867 reintroduced the parish as an authority for health and sanitary matters; the aim probably was to focus local zeal to act promptly and firmly to handle local problems. The 1865 Sewage Utilization Act (28 & 29 Vict., c. 75), which enabled the authorities named in it to dispose of their sewage, named certain bodies as 'sewer authorities' with powers to construct sewers and deal with river pollution. These bodies included not only the municipal corporations and boards of health but also the vestry of any parish, which chose to adopt the Act. There were parallel provisions in the Sanitary Act of 1866 (29 & 30 Vict., c. 90) which gave powers for the formation of special drainage districts, in which special works could be carried out and special rates levied; again, the authorities which could act included parishes. The same provisions were true of the Sewage Utilization Act of 1867 (30 & 31 Vict., c. 113), which gave power to the sewer authorities to purchase land even outside their own areas for the disposal of sewage, and also the power to combine with similar authorities for common purposes. Thus, in opposition to the guardians who were the nuisance authorities in rural areas, there was now the possibility for parishes to set themselves up as sewer authorities, and a most confused state of affairs resulted, upon which even the Medical Officer of the Privy Council (Sir John Simon) and other high authorities could not pronounce with certainty. 'On the most favourable construction of the law at present, I suppose we may say that in all country districts there is one authority for every privy and another authority for every pig-sty; but I also apprehend, with regard to the privy, that one authority is expected to prevent its being a nuisance, and the other

to require it to be put to rights if it is a nuisance.'<sup>1</sup> Of course the vestry was the authority for the privy and the guardians for the pig-sty, since the pig-sty came under the Nuisances Removal Act. 'The privy is to some extent under that Act, but, as I read the law, it is not exclusively put under the vestry by the Sanitary Amendment Act of 1865.' Not only was the vestry as sewer authority now concerned with problems of the position of sewers and water supply, but it had even been able — Sir John Simon could not exactly understand why or how — to acquire some of the functions of a nuisance authority.

This confusion of areas and authorities in rural districts was commented on by innumerable witnesses before the Royal Sanitary Commission.<sup>2</sup> There was a terrible confusion between the sewer authorities and the nuisance authorities. Where functions went beyond the provision of elementary sanitary services, the disorder was equally marked. Sewer authorities had power to provide hospitals, but the carriages to take patients to them were to be provided by the nuisance authorities. The vestry, as sewer authority, was to provide medical relief, but the guardians, who were the nuisance authority, had already been operating for thirty-five years both an infirmary and medical service; under the Diseases Prevention Act they had the power to extend their medical facilities during epidemics from paupers to the general population as a whole. The result of this rivalry of authorities was as disastrous as can be imagined. 'Here there are two sets of authorities, which it is well known are often in opposition; supposed to do the same work in the same district, each of course is ready to throw off the responsibility and to charge the neglect upon the other. The sewer authority may provide hospitals, but it has no staff of medical officers to carry its powers into execution. The nuisance authority has the staff quite ready, but it is not empowered to provide the accommodation . . . The new powers given to parish vestries have to my knowledge been pleaded by boards of guardians as the reason for not doing their customary duty as sanitary authorities. Satisfactory sanitary progress is next to impossible while there is this divided local responsibility.'<sup>3</sup> A similar confusion occurred with regard to the financial responsibility. Both

<sup>1</sup> Royal Sanitary Commission, Minutes of Evidence, QQ. 1810-12, p. 98.

<sup>2</sup> Evidence of Blagg, Q. 11,795; Rayner, QQ. 2312-13; Carr, Q. 2730; Alleyne, Q. 3573; Blood, QQ. 3902-3, 910; Rumsey, QQ. 4294 sqq.; Lambert, Q. 4646.

<sup>3</sup> Rumsey, Q. 4295.

types of authority could undertake work in the same district. If the sewer authority did it, it was however charged on the parish as a whole; if the nuisance authority did it, it was not a public cost but was paid for by an assessment upon those premises only which drained into the sewer provided.<sup>1</sup>

A parallel use of small areas was that made of the parishes for the purposes of the Burial Acts. The unit for the election of a burial board was '*prima facie* the common law or civil parish, but might be almost any parochial or quasi-parochial area'.<sup>2</sup> Thus the Acts might be adopted by any poor law parish, by any other parish or township which had a separate burial-ground, or 'by any parish, new parish, township, or other district' without the foregoing qualifications. The local board or borough could also become the burial authority, and there were provisions for uniting burial board districts under a joint body, but the basic unit might be the smallest possible'.<sup>3</sup>

#### F. School Boards

The need to provide some public provision for education led to the creation of yet another *ad hoc* body working over small areas. The 1870 Education Act stipulated that if there was not sufficient school accommodation in any parish, the parish had to provide a school, or contribute to a school established elsewhere, or to join with another parish or parishes to form a school district. The executive authority for the school district thus formed was a school board, and the whole country was mapped out into school board districts. 'We have taken the boundaries of boroughs as regards towns and of parishes as regards the country, and when I say parish, I mean the civil parish and not the ecclesiastical district.'<sup>4</sup> Thus, with the exception of the London School Board (which was given the area of the Metropolitan Board of Works) the school boards were on a parochial basis. In the debates in the House of Commons in 1870, there were of course frequent references to the difficulties of taking the parish, though mainly because of the differences which might be found within a single parochial area. There was talk of the

<sup>1</sup> Lambert, Q. 4646.

<sup>2</sup> Wright and Hobbhouse, *Local Government and Local Taxation* (1884), p. 56.

<sup>3</sup> Cf. further, *op. cit.*, pp. 57-60.

<sup>4</sup> Speech of W. E. Forster, February 17th, 1870. Hansard, H. of C., Third Series, Vol. 199, c. 444.



Welsh parishes, where a mountain might separate one part from another, or of parishes which contained both agricultural and industrial portions, or those which were half in and half out of a borough. The reason why the parish had been taken — instead of the union — was precisely because it was a small unit. Since the idea was not to penalize those areas which had already provided adequate school accommodation, the area should be as small as possible and the use of the parish precluded the need for subdivision. If a larger area had been taken, portions of this area would ask to be excluded on the grounds that they had already provided schools and should not be asked to pay for the negligence of their neighbours. On the other hand, the central department had the power to combine parishes to form a school district. Since boroughs were to be given autonomy and allowed to form school districts of themselves, this was a further argument against the union as the unit, for, without the boroughs, the rest of the union would be like 'a nut without a kernel'. It was further stressed by Government spokesmen that the desire was to recall the tradition of the parochial schools, and not those of the poor law schools. It is of interest, however, to note that in the Bill which Forster and Bruce had previously intended to introduce, at the instance of the Manchester Committee, the unit of educational administration was to have been the union.<sup>1</sup>

### *G. Changes in the Traditional Areas*

Throughout this period the municipal corporations remained the basic units of local government. The first step in the consolidation of their powers was the absorption of the various bodies of statutory commissioners for lighting, paving, street-watching, cleaning and general improvements, which already existed within the borough area. In all, about 300 such bodies had been set up (100 in the Metropolis) by Acts between 1696 and 1835. Within twenty years of the passage of the 1835 Municipal Corporations Act the great majority of them had voluntarily merged themselves in the municipal corporations; the Manchester Police Commissioners transferred themselves to the Manchester Town Council in 1842, the Birmingham Commissioners in 1851, the Plymouth Commissioners in 1864. Still in 1864 there were forty-four Improvement Act districts left, and thirty-one in 1893, these becoming ordinary urban districts

<sup>1</sup> *Ibid.*, cc. 451-2.

under the 1894 Act. Under the legislation to create *ad hoc* bodies during the period — e.g. highways districts or school boards — the boroughs always formed the authority for the borough area. Under the Public Health Act of 1848 the borough councils were generally also the health authorities, but in certain cases — as has already been mentioned — there were local boards co-existing with the borough councils, though often with overlapping personnel. Under the Public Health Act of 1872 nearly all of these were absorbed in the boroughs themselves.

Considerable alterations were made in the areas and boundaries of the boroughs during the period from 1834 to 1870. First, the outlier problem as regards boroughs was removed by section 8 of the Municipal Corporations Act of 1835, which included in the boroughs all land geographically within their 'metes and bounds' but conversely gave to the counties any territory previously within the jurisdiction of the borough but outside its metes and bounds. The 1835 Act listed the 178 boroughs with which it was concerned into two classes — 93 were to have for municipal boundaries the Parliamentary boundaries allotted them by 2 & 3 Will. IV, c. 64, and 85 were to retain their existing municipal boundaries.<sup>1</sup> This arrangement was however regarded as provisional, until Parliament should otherwise provide, and a Royal Commission was appointed to make an inquiry into the metes and bounds of the reformed corporations in England and Wales. Apart from the drawing up where necessary of a scheme for dividing the larger boroughs into wards, the commissioners were to recommend whether the borough should or should not include for municipal purposes suburban territory. The Commissioners appointed to visit boroughs on circuit were accordingly instructed: 'In the case of a City or Borough having a suburb near, but not immediately contiguous to it, you will use your own discretion in recommending whether such suburb shall be included within the Municipal Boundaries, regard being had:

1. To the nature of the Population of such suburb, whether Commercial, Manufacturing or Agricultural.
2. To the extent and nature of the ground separating such suburb from the Town.'<sup>2</sup>

<sup>1</sup> Section 7 and Schedules A and B.

<sup>2</sup> See Report from Commissioners on Municipal Corporation Boundaries (P.P. 1837, XXVI), p. 3.

The principle adopted by the Commission was 'to relieve from Municipal burthens those who cannot participate in all Municipal advantages, and to include within the limits of each Borough a population having a community of interest'. The Commission considered that where there was a large rural area primarily included within a borough or its 'liberties' — York, Doncaster, Coventry, Beverley, Wenlock, and so on — then the rural inhabitants ought to be free of the borough rate, since they did not enjoy the advantages of the borough 'police' — a phrase which at that time was held to mean 'provision for the safety and convenience of the inhabitants in cleansing, paving, and lighting the streets, and providing a daily and nightly watch'.<sup>1</sup> Accordingly, the aim of the Commissioners was to limit the borough to what would now be termed the 'continuous built-up area'. This meant extending the areas of some boroughs and reducing those of others. The Commissioners also drew attention to the problem of contiguous boroughs, 'in which the rigid adoption of the same principle of uniting under the same municipal authority all the inhabitants of that which (popularly speaking) may be termed the same town', would lead them 'to recommend the union of both within the same municipal limits'. They considered the cases of Huntingdon and Godmanchester, Penryn and Falmouth, Newcastle and Gateshead; in the first case, only the respect for existing municipal corporations implied in their terms of reference restrained the Commission from recommending amalgamation, though they were less definite about the other two cases, owing to the greater distance between the towns and the greater population of each respectively. In the case of Plymouth, Stonehouse and Devonport and of Rochester and Chatham, the existence of a second corporation did not provide an obstacle, but the hostility of the inhabitants, and the 'strong feelings of jealousy and rivalry' between the neighbouring towns.<sup>2</sup>

The Commission's report, however, was not implemented. Local feeling against the changes proposed was too strong, and the provisions of the 1835 Act remained in force. Thus some places like Wenlock continued to include within their municipal limits great stretches of agricultural land. But, on the other hand, the adoption of the Parliamentary boundaries, which were generally wider than the previous municipal boundaries, brought great increases of

<sup>1</sup> Ibid., pp. 3-4.

<sup>2</sup> Ibid., pp. 5-6.

territory to many boroughs — amounting in the aggregate to a population of 510,852. Bath, for instance, thus increased its population from 39,104 to 54,240, Carlisle from 8307 to 26,310, Hull from 16,000 to 84,690, Liverpool from 258,236 to 375,955, Stockport from 30,589 to 53,835, Sunderland from 19,058 to 63,897.<sup>1</sup>

The section of the 1835 Municipal Corporations Act abolishing precincts within boroughs and transferring parts of the boroughs outside their main boundaries to the jurisdiction of the county magistrates was the first of a series of reforms, which eliminated most of the anomalies so noticeable in the areas of 1834 — the outliers, the overlapping of boundaries, the areas immune from the jurisdiction of the local authority. Further progress was made in this unspectacular but essential work of 'tidying up' both before 1870 and after. The county outliers were mainly, but not wholly, disposed of in 1844, liberties within the county were greatly reduced after 1850, and the extra-parochial places were virtually eliminated between 1856 and 1868; the divided parishes and the overlapping of union and county boundaries were dealt with in the later period between 1871 and 1894.

The Act of 1844 (7 & 8 Vict., c. 61) applied the provisions of the Act of 1832 (2 & 3 Will. IV, c. 64) to all county outliers for all purposes of local government. Since the earlier Act had attached nearly all the outlying parts of counties to the county by which they were surrounded for the purpose of returning Members to Parliament, the 1844 Act abolished all the outliers, except those which under the 1832 Act were retained in their traditional county for Parliamentary purposes. Among the areas that were thus transferred were the detached parts of Durham — (Craikshire, Islandshire, Norhamshire, Bedlingtonshire) which went to North Riding and Northumberland — in all 67,168 acres and 19,643 population, and Halesowen, which with its 17,403 acres and 20,401 population passed from Shropshire to Worcestershire. The total area involved in these transfers was 145,823 acres with a population of 54,484.<sup>2</sup> Still, a number of areas still remained detached from their counties, and most of these were subsequently transferred. For instance, Merford and Hoseley (detached townships of Flint in Denbigh), Edvin Loach

<sup>1</sup> *Population Abstract*, 1851, pp. lxxiii sqq.

<sup>2</sup> *Ibid.*, pp. lxxiv-v. Twenty-five counties were affected by these changes.

and Fwthog (Herefordshire parishes in Worcestershire and between Monmouth and Brecon respectively) were transferred during the re-arrangement of parish boundaries under the Divided Parishes Acts. The Worcestershire, Warwickshire and Gloucestershire complex at the junction of the three counties was not straightened out till an Act in 1931, and the Flint hundred of Maelor and the Worcestershire town of Dudley are still (1947) detached from their counties.<sup>1</sup>

An Act of 1850 (13 & 14 Vict., c. 105) permitted the merging of 'liberties' in the counties by which they were surrounded on the application of their justices. The number of liberties was greatly reduced; for instance, the only ones appearing as separate units in the abstract of county Treasurers' accounts for 1867 are Ely, Haverling-atte-Bower, St. Albans, Peterborough, Ripon and Haverford-west.<sup>2</sup> The Liberty of St. Albans was merged in Hertfordshire in 1874 (37 & 38 Vict., c. 45) but the others remained till 1888, Ely and Peterborough then becoming ordinary administrative counties. The number of divisions of counties remaining as separate units for financial purposes also declined. The Parts of Holland remained for some time in two divisions, but was subsequently united, and the four divisions of East Suffolk were reduced to two by the merger of Beccles and Woodbridge with Ipswich. Sussex remained in two divisions, confirmed by the Sussex Act of 1865 (28 & 29 Vict., c. 37), as did Essex, until 1888, when the former remained divided, and the latter was united into one administrative county.

The other big problem of simplification which was carried out during this period was the virtual elimination of extra-parochiality. There were numerous places, land occupied originally by monasteries, colleges, inns of court, cathedrals, bishops' palaces, forests, royal domains and precincts, which claimed to be extra-parochial by virtue of statute, royal grant or custom.<sup>3</sup> These extra-parochial places caused great annoyance to the Poor Law Board and the local poor law authorities, both because they were exempt from rates and

<sup>1</sup> The case of Dudley is not really effective, since Dudley is a county borough.

<sup>2</sup> H. of C. Return 156 of 1869 (P.P. 1868-69, LII, pp. 11-14). Wright and Hobhouse in *Local Government and Local Taxation* (1884), pp. 14-15, mention the Liberty of Cawood in Yorkshire, but it does not seem to have been an independent financial unit of county status.

<sup>3</sup> S. and B. Webb, *The Parish and the County*, p. 10; *English Poor Law History*, Part II, p. 225, and references there cited. See also *Victoria County History of Essex*, I, p. 369.

because there was no means of relieving any poor persons within them. Public-spirited magistrates and others took up the cases of poor people whom the normal poor law system could not help because they lived in extra-parochial places. Thus Mr. C. R. Cotton, a magistrate of Cheshire, wrote to the Poor Law Board on June 13th, 1848, and again on November 29th, 1848, February 24th, 1849 and January 2nd, 1851, in almost fruitless attempts to get something done for a poor couple called John and Elizabeth Meredith, who were between eighty and ninety years of age. They had a 'settlement' at Richmond, Surrey, and could not be relieved in the place in which they had lived nearly all their lives, since it was in an extra-parochial place, though geographically in the Parish of Threapwood. Eventually, at their advanced age, they had to be moved out of the place to somewhere inside a parish, and then the Richmond poor law authorities paid for them. But even less fortunate was Hugh Owen, a man of seventy, who had been born in the extra-parochial place at Threapwood, and had acquired no settlement elsewhere. Even if he were moved to a place within a parish there would be no authority liable to pay the cost of his relief. A rather different problem occurred at Deeping Fen; here a family was turned out of their cottage in an extra-parochial place by the owner, and they could not obtain relief in a workhouse, and had to spend the night in a wood near Spalding. After this they were classed as destitute and received into a workhouse. At Highleigh, Devon, a similar case arose. Here a woman, Eliza Magford, was ill, and the landlord of the cottage would give her no help, with the result that she died. At Noman's Land in Hampshire a labourer and family were turned out of their cottage without prospect of relief. From Alrewas Hay came another story of a family without any relief because they lived in an extra-parochial place. A more serious problem existed at Nottingham where 130 acres with 843 inhabitants were in an extra-parochial place — the Park and Liberties of the Castle. A soldier's wife became insane and had to be carried across the road into the neighbouring parish where she was laid in a shed and the relieving officer promptly sent for.<sup>1</sup> Another woman lunatic — this time dangerously insane — had to be removed to the Guildford Asylum from a nearby extra-

<sup>1</sup> Letter from the Clerk of the Retford Union to the Poor Law Board dated August 17th, 1855. The details of this and the preceding cases are appended to a Poor Law Board return of extra-parochial places of February 26th, 1857.



parochial place called the Friary. Again the Clerk of the Union wrote to the Local Government Board to find out who was to pay for her and who could make her husband contribute his fair share to her maintenance. Sometimes the trouble was of a rather different nature; a precinct at Worcester, for instance, was notorious for the number of illegitimate children born there, since the fathers knew that there was no authority with jurisdiction over the place to apply for a bastardy order against them, when the mother and infant applied for poor law relief.<sup>1</sup> As a result of a series of such incidents in the years between 1848 and 1857, the Poor Law Board secured an Act 'to provide for the relief of the poor in extra-parochial places'.<sup>2</sup> It enacted that any place returned by the Registrar-General in the census as being extra-parochial—or as reported to be extra-parochial—where no rate was levied for the relief of the poor, could be deemed a parish for all purposes of the assessment of the poor rate; an overseer would be appointed for it by the local Justices of the Peace. If two-thirds of the ratepayers made application, Quarter Sessions could annex it to any neighbouring parish with the consent of that parish's vestry. The Local Government Board could similarly annex it to one of the surviving Local Act poor law incorporations if that were adjoining, providing two-thirds of the guardians of the corporation agreed. The 1851 census had returned 598 places as extra-parochial,<sup>3</sup> and by 1859, 273 of these had been dealt with; by August 1st, 1862, 341 in all were similarly provided for. All except fourteen had been formed into separate civil parishes, but after 1861 progress flagged, since most of the places left were very small or were uninhabited, and the Justices did not bother about them. To get over this difficulty the Poor Law Amendment Act of 1868 provided that any such place was to be automatically incorporated in the parish with which it had the largest common boundary, or if its boundaries with two parishes were equal, with that with the lower rateable value. Similarly land reclaimed from the seashore was to be added to the neighbouring parish. An interesting incident is that the lawyers wanted to exclude the Inns of Court and also the Charterhouse from the operation of the Act. Though they had to yield, they made it in fact inoperative for those places, by adding a clause

<sup>1</sup> Select Committee on Parish, Union and County Boundaries (1873). Evidence of Lumley, p. 4.

<sup>2</sup> 20 Vict. c. 19.

<sup>3</sup> 1851 Census, Report, pp. 14-15.

that the Inns of Court and the Charterhouse were not to be added to any poor law union. As they had no paupers, the places in question had no need to raise a poor rate for themselves; by being prevented they were precluded from being joined to any poor law union, from being forced to contribute to the poor law expenditure of neighbouring parishes. This device proved especially unfortunate when, in the meanwhile, the Charterhouse turned into a valuable business site. The evasion was ended by section 43 in the Divided Parishes Act of 1876. This provided that the Inns of Court and the Charterhouse should be forcibly added to a union unless they paid to the Holborn Union such sum as should be called for by the guardians of that Union as being their fair contribution to the common fund. In 1873 it was said that certain places<sup>1</sup> — like the Tower or Dover Castle — still *claimed* to be extra-parochial. The 1911 Census recorded only thirteen places as being extra-parochial — all of them islands off the coast.<sup>2</sup>

#### H. *Summary*

The considerable simplification in local government areas brought about by these measures to eliminate or reduce in numbers the precincts in boroughs, the liberties in counties, outlying parts of counties and extra-parochial places must be set against the creation of so many special authorities and areas; the removal of old anomalies may be reckoned as offsetting to some extent the introduction of new complications. Perhaps the position in 1870 can best be seen by taking stock of the situation in terms of the number of authorities within each main class.

First come the areas of county level. Here there were 65 county units and 97 Quarter Sessions boroughs. The 65 county units included the 40 English and 12 Welsh traditional counties, but some of the English counties were still divided for the purpose of rates and accounts, and figure separately in the local taxation returns: thus there are the three Ridings of York, the Parts of Lindsey and Kesteven, with both the North and the South Divisions of Holland, the East and West Divisions of Sussex, Suffolk and Essex, the Liberties of Ely, Peterborough, St. Albans, Havering-atte-Bower and Ripon.<sup>3</sup>

<sup>1</sup> Lumley, *loc. cit.*, p. 5.

<sup>2</sup> 1911 Census, II, p. vi.

<sup>3</sup> See e.g. 'Abstract of the Accounts of county Treasurers in England and Wales for the year ending Michaelmas 1869' (P.P. 1870, LV, p. 176).

Among the 97 Quarter Sessions boroughs there was a distinction between those which had to make an annual contribution to the county towards general county expenditure (except the judicial expenses of Quarter Sessions itself) on the ground that they paid the county rate before the 1835 Act, boroughs which were completely immune because they had been before the Act, and those boroughs which, while immune in fact, paid certain sums in respect of the use of specific county services (generally the right to use the county lunatic asylum); there were 62 Quarter Sessions boroughs making no payments, 10 making those small payments for specific services, and 25 in fact paying what was almost the county rate; among the latter were Lancashire Quarter Sessions boroughs (including Liverpool and Manchester) and Birmingham.<sup>1</sup> At the second level in the structure came the 667 unions, of which 512 were officially classed as rural and 155 as town unions; they covered the entire country.<sup>2</sup> For magisterial purposes there were 700 county petty sessional divisions and 193 borough sessions — 893 in all for the whole country. In the urban parts of the country were 224 boroughs, 117 bodies of improvement commissioners and 637 local boards, many of the last two classes in the same towns as municipal corporations. In the rural parts of the country there were 404 highway districts (including those of South Wales). At the third level come the 9785 parishes, 274 civil parishes (mainly places formerly extra-parochial) and 5355 townships, tithings, hamlets, chapelries, etc. — in all 15,414 units covering the entire country. Also at this level, though not in all places, were the 2200 school boards, 335 burial boards, 248 parishes or parts of parishes having adopted the Lighting and Watching Act of 1833, and the 6000 highway parishes not combined into districts.<sup>3</sup>

The foregoing description of the complicated system of areas which developed between 1834 and 1870 needs to be supplemented by the statement that a parallel confusion existed with regard to the authorities which governed these areas. As Goschen said in 1871,

<sup>1</sup> See the 'Return on Contributions made by Municipal Boroughs towards County Rates or County Expenditure, 1874-76' (H. of C. 370 of 1877; P.P. 1877, LXX, pp. 447 sqq.). Windsor, which has been counted as immune in the above calculation, in fact paid (albeit with protest) the county rate on the portion of the borough added by the Boundary Act of 1832.

<sup>2</sup> Return on 'Local Taxes in each Union during 1868' (P.P. 1870, LV, p. 527).

<sup>3</sup> See Report of Select Committee on Parish Union and County Boundaries (P.P. 1873, VIII), pp. 75-6 and p. 190; Local Taxation Returns, 1869 (P.P. 1870, LV), especially Introductory Memorandum, pp. iii-viii.

'Every different form of election which it is possible to conceive is applied to the various local authorities who administer the various rates in the various areas. It is a curious fact that while we might expect to find, not identical, yet very similar principles governing the election of Guardians, the election of Local Boards, the election of Highway Surveyors and Overseers and the election of other Local and Parochial authorities, yet in all these cases a different form of election actually prevails. In some cases you have an election by plurality of votes, in others by single votes; in some instances you have an election by owners and occupiers, in others by occupiers only; and when you have a plurality of votes the scale varies, there being for example one scale for the election of Guardians and another for the election of Highway Surveyors.'<sup>1</sup>

Although not directly concerned with the question of areas, a tabular statement of these differences of constitution may be of use:

#### I DATES OF ELECTION

(a) <i>Town Councils</i>	November 1st.
(b) <i>Local Boards</i>	First week in April.
(c) <i>Boards of Guardians</i>	April 7th, 8th, 9th.
(d) <i>Highway Boards</i>	March 25th.
(e) <i>School Boards</i>	Any time in year.
(f) <i>Inspectors under the Lighting and Watching Act</i>	Any time in year.
(g) <i>Overseers</i>	March 25th.

#### II SCALE OF VOTING

(a) <i>Town Councils</i>	Occupiers: one vote each.
(b) <i>Local Boards</i>	As owners — 1 to 6 votes, according to rating qualification up to £250. As occupiers — 1 to 6 votes, according to rating qualification up to £250. (i.e. each person has a possible maximum of 12 votes.)
(c) <i>Boards of Guardians</i>	As for Local Boards.

<sup>1</sup> Parl. Deb. 3rd, Series, Vol. 205, cols. 1116-17.

- |  |   |
|--|---|
| (d) <i>Burial Boards, Highway Boards, Lighting and Watching Inspectors and Overseers</i> | As occupiers — 1 to 6 votes up to £250 rating qualification.<br>(i.e. each person has a possible maximum of 6 votes.) |
| (e) <i>School Boards</i>   | One vote: cumulative voting.  |

### III TENURE OF OFFICE

- |  |   |
|--|---|
| (a) <i>Town Councils</i>   | Three-year term, one-third retiring annually. |
| (b) <i>Local Boards</i>  | As for Town Councils.                         |
| (c) <i>Boards of Guardians, Highway Boards, Lighting and Watching Inspectors and Overseers</i> | Annual  |
| (d) <i>Burial Boards</i>   | As for Town Councils.                         |
| (e) <i>School Boards</i>   | Three-year term, all retiring together.       |

### IV METHOD OF ELECTION

- |  |   |
|--|---|
| (a) <i>Town Councils</i>   | Ballot — single vote.   |
| (b) <i>Local Boards</i>  | Voting papers left at houses and collected after three days: plural voting. |
| (c) <i>Boards of Guardians</i>   | As for Local Boards, but collection after one day.                          |
| (d) <i>Burial Boards, Highway Boards, Lighting and Watching Inspectors</i> | Show of hands, and open poll if demanded: plural voting.                    |
| (e) <i>Overseers</i>   | As (d), but subject to confirmation by Justices.                            |
| (f) <i>School Boards</i>   | Ballot — cumulative vote.   |

### V QUALIFICATIONS FOR OFFICE

- |                          |  |
|--------------------------|--|
| (a) <i>Town Councils</i> | If Borough has more than four wards, £1000 personal property, or occupation of £30 rateable value.<br>If Borough has less than four wards, £500 personal property or £15 rateable value. |
| (b) <i>Guardians</i>     | £15 to £40 rateable value, according to Union.   |

- |   |  |
|---|--|
| (c) <i>Local Boards</i>   | £1000 personal property or £30 rateable value if population over 20,000; £500 personal property or £15 rateable value if under 20,000. |
| (d) <i>Burial Boards, Highway Boards, Lighting and Watching Inspectors, Overseers</i> | Any ratepayer.   |
| (e) <i>School Boards</i>  | No qualification. <sup>1</sup>   |

'What is the cause of all this confusion? It is the legislation of this House which has created special authorities and special districts for special purposes, but, in doing so, has not proceeded on a uniform or a symmetrical system. And at what a cost has this system been created! We have multiplied officials, we have divided and confused jurisdictions, we have diminished and impaired the efficiency of the various governing bodies. Our Local Government system has been extravagant in the time which is occupied in its administration, extravagant in the men needed to administer its affairs, and extravagant in the cost of that administration.'<sup>2</sup>

<sup>1</sup> See Report of Select Committee on Poor Law Guardians (1878), p. iv.

<sup>2</sup> H. H. Fowler in 1893: Parl. Deb., 4th Series, Vol. 10, col. 683.



## CHAPTER III

### THE SEARCH FOR A SOLUTION: 1871-80

#### A. *The New Tasks*

THE creation of separate units of administration for the different local government services had created the complex situation described at the end of the previous chapter. There was considerable dissatisfaction among persons concerned with local government, and numerous arguments in favour of a simpler and more uniform system were advanced. During the next decade considerable progress was made towards clearing the ground, a stage necessarily preparatory to the erection of the new structure in 1888 and 1894. The main problems whose solution was attempted in this period can be divided for purposes of analysis into four groups:

1. The sanitary administration of both town and country was put on a uniform footing by the creation of two new classes of authority — Urban and Rural Sanitary Districts. This cannot be regarded as a 'tidying-up' of merely one service because the units established in 1872 were in 1894 to become the compendious authorities at the district level.
2. Before the thorough recasting of areas and building of a new structure was undertaken, a mass of boundary changes, often individually small but collectively very impressive, were carried out. The two main classes of anomaly in local boundaries remained what they had been in 1834 — the existence of both outliers and overlapping at every level. But to the problems existing in 1834 was now added the fact that so many of the poor law unions overlapped the county boundaries. This immense task of boundary rectification was handled in two stages. The parish boundaries were the subject of an inquiry in 1873 and of the Divided Parishes Acts of 1876, 1879, 1882; the problem of the extra-parochial places had already been dealt with in the previous decade. The overlapping of union and county boundaries had not been considered so serious when the areas were those of two sets of authorities operating in different spheres, but now that

unions, and even more the rural sanitary districts based on them, were to be brought into an integrated structure with the counties, the problem appeared much more pressing. Still, though investigated in the early 'seventies, it was not till the eve of the 1888 Act that decisive action was taken.

3. The county was already in use for the provision of certain local government services. If it were given a representative governing body, it could both extend the services it was providing and act to some extent as a supervisory authority for the smaller elected bodies within the county. But the creation of counties by the Act of 1888 was only the culmination of a whole series of proposals for giving some sort of representation to the ratepayers in county government, going back to the proposals made by Joseph Hume in 1834.
4. The final step was the creation of uniformly constituted and compendious local authorities for urban and rural districts in 1894. As regards the urban areas, the issue was not considerable; it meant only the consolidation of all urban authorities into the two classes of boroughs and urban districts, involving the elimination of the surviving bodies of improvement commissioners and the consolidation of authorities in those towns where two urban authorities — for instance a borough and a local board — existed side by side. But in the rural areas, the question was whether the rural sanitary district, based on the union area, or the highway district, based on the petty sessional division, would become the district unit of rural government. The decision went in favour of the rural sanitary district, and it may be suggested that the highway district area, which had certain important advantages, was prejudiced by the unpopularity incurred by the highway boards in 1878, and the subsequent dissolution of many of them.

The present chapter will deal with the consolidation of the urban and rural sanitary authorities, then with the rectification of parochial boundaries, and finally with the issue of rural sanitary district versus highway district as the unit of rural government; the succeeding chapter will summarize the previous proposals for county boards, the problem of the overlapping of union and county boundaries and then with the new structure as established by the Acts of 1888 and 1894.

First, however, will be set out the disadvantages of the situation in 1871, and the reasons for the construction of a new system, as they appeared to contemporaries concerned with local government.

### *B. A Picture of Confusion*

Any study of the situation in 1871 bears out the famous statement made in that year by Goschen, when introducing his Rating and Local Government Bill, that 'we have a chaos as regards authorities, a chaos as regards rates and a worse chaos than all as regards areas'. One result was the existence of numerous different rates, each of which could be levied independently by a separate authority, thus preventing any unified control of local financial policy. There were no less than 27,069 different rating authorities, and eighteen different types of rate.<sup>1</sup> The inhabitants of a borough lived in a fourfold area for local government purposes — the borough, the parish, the union, the county. 'None of these is coterminous — except by accident — with any other.'<sup>2</sup> Different parts of a borough might be in different parishes, and these in different unions; any of them could overlap county boundaries. If the school boards and the burial boards — both of which were roughly on a parochial basis as regards areas — were added, the borough ratepayer might be under six different authorities. The inhabitant of a rural parish lived in a parish, a union, a county and perhaps also a highway district; in addition he lived in a petty sessional division, and there might be a school board in his parish. This is not to mention sewer authorities or committees of the vestry under the Lighting and Watching Act. To take a concrete example, the West Derby Union in Lancashire — with a population of 355,000 — had ten local boards, one borough (Bootle), one board of guardians, three burial boards, one school board, one highway board. To take another case, the Local Board District of Mossley in Lancashire was composed of parts of four parishes, two poor law unions, and three counties, itself forming an independent sanitary district.<sup>3</sup> As a result of this complexity, even experts could not understand the system prevailing in their own localities. As Goschen himself put it, 'Everyone knows that the first reform needed is to

<sup>1</sup> Eleventh Annual Report of Local Government Board.

<sup>2</sup> H. H. Fowler, President of the Local Government Board. H. of C., March 21st, 1893. Hansard, Fourth Series, c. 681.

<sup>3</sup> Select Committee of H. of C. on Highway Acts (P.P. 1881, X); Evidence of Fitzgerald, Q. 42.

consolidate all rates and to have one demand-note for all rates, and a single authority for levying the proceeds . . . Let me give you my personal experience. I myself received in one year 87 demand-notes on an aggregate valuation of about £1,100. One parish alone sent me 8 rate papers for an aggregate amount of 2/4d. The intricacies of imperial finance are simplicity itself compared with this local financial chaos.<sup>1</sup> Persons less versed in the machinery of local government were just baffled, and there was a resulting disinclination to take interest in local administration, except under the stimulus of high rating or sectarian differences over school questions.

In 1879 Chadwick referred to the results of this overlapping; the ratepayers were bewildered and people did not want to take part in local government: 'An ordinary ratepayer finds it almost impossible to understand how he is governed.'<sup>2</sup> To quote Goschen again: 'What do most of us know of local elections in rural districts? I have a little property in Sussex, which as a nemesis of my curiosity as a student of local government, is situated in four parishes, two counties, three highway districts and five ecclesiastical divisions. Have I ever voted for a way-warden? Never; or an overseer? Never; or any parochial officer? Never; although I religiously open all parochial papers that come to me.'<sup>3</sup> If the system could be simplified, and if comprehensive and compendious authorities, each administering a number of different services, were introduced, then a 'better class' of person would be interested in local government. This line of argument was that the very range and importance of functions covered by one authority would attract interest and personal service from the 'best type of man'.<sup>4</sup> The 'Radical Programme' of 1885 summed the matter up well: 'At present the Poor Law, the Education Acts and the Municipal Acts are administered by three separate authorities. If they were placed under one body, not only would there be a great simplification, an invaluable utilizing of energies now often unprofitably dissipated, but the governing body itself would gain appreciably

<sup>1</sup> G. J. Goschen, *Local Government and Taxation in the United Kingdom* (1882), p. 126.

<sup>2</sup> *On County Government* (1879), p. 25.

<sup>3</sup> Speech on County Government at Rugby, November 29th, 1881.

<sup>4</sup> See 1873 Committee on Parish, etc., Boundaries: Evidence of Hedley, p. 83; Cobden Club, *Essays on Local Government and Taxation* (1882); *Local Administration*, by Rathbone, Pell and Montague (1885). On the other hand certain *ad hoc* bodies - notably the school boards - attracted the 'best type of man' but this was probably an exception to the rule.

in dignity and importance.<sup>1</sup> Tyneside provided a case in point, since there about 300 persons were engaged in the work of a dozen authorities, which could more conveniently have been done by one body. 'I think, if you had all these great purposes, such as education, health and other things, in addition to the relief of the poor, in the hands of one local council, you would get a better class of men willing to serve, and by not taking such a number as 300, you might exercise more selection and get 10 or 15 better men to do the work infinitely better than it is done now. Without a good and simple system of territorial subdivision, local government has no fair chance.'<sup>2</sup>

A third ground for simplification was the difficulty caused in any attempt to deal statistically with local government questions. Dr. William Farr, who was head of the Registrar-General's Statistical Department from 1839 to 1879, and a man of vast experience in this field,<sup>3</sup> was continually complaining of the trouble caused to his office by the intricacy of the system of local areas. In his figures presented to the 1873 Committee (page 75), he showed that as *The Times* put it in a leading article (February 10th, 1873): 'England exhibits a curiously confusing reticulation of mutually intrusive and intersecting jurisdictions.' There were:

1. 52 counties — 95 Parliamentary counties or divisions of counties.
2. 647 unions, and 626 registration districts. At this level also were 1042 hundreds (comprising 818 hundreds, wards, sokes, rapes, wapentakes and liberties, with 224 boroughs), 621 lieutenancy divisions, and 893 petty sessional divisions (700 county petty sessional divisions, 97 Quarter Sessions boroughs and 96 other boroughs with their own Commissions of the Peace).
3. 2195 registration sub-districts. With these might be compared the 1504 divisions of the poor law union relieving officers or the 3433 districts of poor law medical officers.
4. There were 15,416 civil parishes.

In addition, Dr. Farr listed in 1873 198 Parliamentary boroughs (including 13 Parliamentary constituencies, comprising 58 Welsh boroughs) and 224 municipal boroughs. Of local board districts there were 721; these comprised 146 municipal boroughs and 575 towns

<sup>1</sup> Op. cit., p. 236.

<sup>2</sup> Hedley, op. cit., p. 83.

<sup>3</sup> Simon, *English Sanitary Institutions*, pp. 211-12.

with a local board but no municipal institutions. Besides, 88 towns had bodies of improvement commissioners of different kinds; 37 of these were also municipal boroughs, 51 having no municipal constitution. Ninety-six towns—as defined by the Registrar-General—were without any municipal body, improvement commissioners or local board of any kind. To complete the picture, there must be added the 404 highway districts (representing 8000 highway parishes) and the 2302 school board districts formed under the Act of 1870. This enumeration takes account only of differences of area, not of the different set of qualifications for electors and elected personnel in each case. 'It is a peculiarity of the administration of this country that nearly every public authority divides the country differently, and with little or no reference to other divisions; each authority appears to be unacquainted with the existence, or at least the work, of the others.'<sup>1</sup>

From the statistical point of view, there were two main disadvantages. First, the multiplicity of subdivisions made the actual compilation of the census a task of immense difficulty, and was given as the reason for the periodic two- or three-year delay in the publication of the decennial census reports. Secondly, it was difficult to make proper use of statistical information. If, for instance, the Local Government Board wished to know whether the sanitary administration of a particular Urban District had resulted in lowered mortality rates, the information was hard to obtain. The vital statistics were classified by the 626 registration districts (i.e. poor law unions), which were larger than the 721 urban sanitary districts; or by the 2195 registration sub-districts, which were smaller; overlapping of boundaries was widespread between these different types of area. Accordingly, the Registrar-General's office during this period advocated the reorganization of areas along simple and logical lines. 'With one simple connected series of sub-divisions of the country, the labour of the Census would be very much simplified, for undoubtedly the multiplicity, entanglement and want of harmony in the groups have more than doubled the work and the time required

<sup>1</sup> Letter from the Registrar-General to Mr. Secretary Bruce, quoted in *The Times*, February 10th, 1873. Mention might also be made of the contemporary division of the Post Office: 11 Surveyor's Areas; 593 Head Offices; 8491 Sub-Offices; 7554 pillar-boxes; 4032 telegraph stations. Or those of the Inland Revenue: 64 Excise Collectors' Areas and 284 Excise Supervisors', with 602 divisions and 'rides'. In addition there were 173 Surveyors of Taxes. (Farr, op. cit., p. 76).



for the compilation of the census volumes. The difficulties of local administration are probably increased to a still greater degree from the same causes; for the success of civil as well as of military operations depends very much upon the way numbers are grouped and ground is taken up.<sup>1</sup> In 1873 Major Graham, the Registrar-General, addressed a letter to the then Home Secretary, Mr. Bruce, on this problem of overlapping. In particular, he suggested that there should be an equation between the historic counties and the registration counties; the latter were the groupings of those poor law unions whose centres were within any given historic county. Since 1811 unions overlapped the boundaries of the historic counties, the registration counties were inevitably different from the historic counties. The Registrar-General argued that since the poor law unions were individually convenient areas, and the historic counties had often anomalous boundaries, it would be the best course to use the registration county for all purposes. This contention was opposed by Mr. S. R. Bosanquet, Chairman of the Monmouthshire Quarter Sessions, both in a letter to *The Times* (February 12th, 1873) and in his evidence before the 1873 Committee. He put it that the Registrar-General was confusing registration with administration, and that for practical purposes the distinction between the different types of area was not of great importance. The principal objection to altering the historic counties to fit the registration counties was that the charges for existing institutions (prisons, asylums and so on) would have to be completely redistributed when the county areas were changed; existing institutions which had been designed to suit the historic county areas might, if the registration counties were adopted, become too large or too small for the needs of the county, and the general financial arrangements — such as the readjustment of mortgages — would be unduly complicated. It was Dr. Farr who first suggested the appointment of a Boundary Commission, and though at this period, when the new form of county government had not yet been established, it was possible to continue with the unions overlapping the counties, the scheme for the formation of a representative county administration brought this problem more and more into the field of public discussion.<sup>2</sup>

<sup>1</sup> Introduction to 1871 Census Report.

<sup>2</sup> See also Royal Sanitary Commission, Evidence, Rumsey, Q. 4287; Lambert, QQ. 4600, 4637, 4671-8; Farr, QQ. 4447-51.

*C. The New Sanitary Authorities*

In the meanwhile, the attention of legislators was focused upon the problem of the smaller areas within the county, and the need for effective units of sanitary administration was mainly responsible for this. The Royal Sanitary Commission had reviewed the various possibilities for reorganizing sanitary areas, though they were mainly concerned with the future of the rural parts of the country. The methods of solution suggested fell roughly into four groups. The first was to entrust the responsibility to the Justices of the Peace, who would presumably arrange the administration by petty sessional divisions. The original method of dealing with nuisances had been — in accordance with the traditional practice — judicial in form. A complaint was lodged against the offending party with the Justices, who would make the necessary order. Thus the idea was to retain the procedure of complaint and order, and to extend it to all cases of sanitary default, as it was envisaged that these would involve legal proceedings in any case. Even Sir John Simon was of the opinion that some functions could be better performed by Justices than by an elected board. Others were more thoroughly in favour of this method. 'I would treat a nuisance as I would a drunken man' was what Mr. Blood told the Royal Sanitary Commission (Q. 3923), advocating a rigid code of penalties for sanitary offences. Some persons advocated the collaboration of certain elected officers — e.g. the chairman and vice-chairman of the board of guardians — with the Justices.<sup>1</sup>

It was also recognized that the whole business of sanitary administration could not be conducted merely by judicial process; there would have to be executive work, construction of new installations and sewers, as well as the abatement of existing nuisances. From the village of Winterton came the proposal that for this task the Justices, sitting by petty sessional divisions, should have the use of an agent in every four or five villages to execute such works as they might consider desirable. Another suggestion was that the executive authority should be vested in the individual parishes, but the Justices should exercise a general supervision. A similar suggestion came from Bury and Newquay, pointing out that if the powers of the police were extended, they could deal with sanitary matters in the run of their normal duty.<sup>2</sup>

<sup>1</sup> Royal Sanitary Commission, Evidence, Clutton, Q. 8359; Batt, QQ. 10,481, 10,527.

<sup>2</sup> Ibid., Appendix A: Beckett, QQ. 6542, 6716-22.

A second line of argument was that the highway districts should be used for sanitary purposes. They were generally roughly similar to the petty sessional divisions, and this would facilitate co-operation from the Justices. Perhaps even more important, they had staffs of engineering surveyors and labourers and it was thought that highway work was closely analogous to the execution of sanitary improvements.<sup>1</sup> 'With regard to making the rural sanitary authority the highway authority . . . it is important that the authority having the power and the duty to provide sewers and water supply should also have power over the roads.'<sup>2</sup> Later, when the Local Government Board sought to make the rural sanitary authorities the highway authorities also, there was a considerable body of opinion which thought that the reverse process should be adopted and the highway districts used for health purposes also.

The third group of suggestions centred around the parish, which was to be the basic sanitary authority. Most of the advocates of this course were against using the vestry, but wanted some new parochial body. Sir Henry Thring, the parliamentary draftsman, however, suggested using the vestry, if parishes could be united for the major purposes of drainage and water supply, and he was supported by others<sup>3</sup> but most authorities were against it, perhaps because they remembered the words of Sir John Simon, speaking of vestries: 'They slipped through the fingers, you could never catch them.'<sup>4</sup>

To provide a more definite parochial body, a local board for each parish was suggested; this would consist of the minister, churchwardens, overseers, guardians, waywardens and magistrates residing in the parish, or two overseers, the waywarden, the guardian and four other persons elected by the owners. It was suggested from Bradford and Exmouth that the number of local boards of health should be greatly increased; at any rate all parishes in the neighbourhood of large towns should have them. Parochial committees to adopt the Local Government Act were suggested, and there ought to be power to unite small villages for this purpose, by provisional order.<sup>5</sup>

<sup>1</sup> Ibid., Harrison, QQ. 6192-220; it was also the opinion of the very experienced Local Government Board Inspector, R. Weale.

<sup>2</sup> Sir J. Lambert - Permanent Secretary to the Local Government Board - in evidence to the Select Committee of the H. of L. on the Highway Acts, 1881, Q. 241.

<sup>3</sup> Thurlow, QQ. 5572-3.

<sup>4</sup> Royal Sanitary Commission: Minutes of Evidence (P.P. 1871, XXXV); Thring, Q. 376; Thurlow, QQ. 5572-3; Simon, Q. 1824.

<sup>5</sup> Ibid., Beckett, QQ. 6542, 6716-22; Huskinson, Q. 8514; A. Taylor, QQ. 1139 sqq.

There seemed, however, to be the most general agreement on the fourth solution; to use the board of guardians as the local sanitary authority for rural areas, where there was no local board of health. The boards of guardians had been acting — though sometimes indifferently — as nuisance authorities in those areas since 1846, but they had the special advantage of being well-established bodies. They had their administrative and their medical staff; they were already providing various medical services for paupers, and these could be extended to other persons in face of an epidemic, under the Diseases Prevention Act. Finally, they were related to the central authority by a system of organized supervision. However, they would need to be specially stimulated, as so many boards of guardians had been neglecting their sanitary duties in the past. It was suggested that their sanitary function could best be performed through a public health committee of the board. The scheme, therefore, was to make the guardians the sanitary authority outside boroughs, improvement commission districts and local board of health districts; this was supported by a very substantial body of witnesses before the Royal Sanitary Commission.<sup>1</sup>

This was the conclusion reached by the Royal Sanitary Commission in their Second Report. They dismissed the contention that the Justices should be made responsible, on the ground that they were not representative of the ratepayers, and therefore could not fairly execute a rate-borne service. The highway boards were not by any means universal, and it would not be sufficient to entrust sanitary powers to those that had in fact been formed. The vestries and other parochial bodies were too small to employ an adequate staff; the records of those parishes which had acquired powers as sewer authorities were disappointing. On the other hand, the boards of guardians existed everywhere. They were representative of the ratepayers, they had suitable administrative and medical staffs, and were already administering considerable medical services. The Royal Sanitary Commission accordingly recommended that in towns the authority should be the town council, failing them the improvement commissioners, or otherwise the local board; outside the towns, the

<sup>1</sup> Royal Sanitary Commission: Minutes of Evidence (P.P. 1871, XXXV); Tom Taylor, Q. 87; Ponsonby, Q. 3992; Lord Egerton, Q. 6895; Menzies, Q. 7074; Derby, Q. 7352; Winn, QQ. 7460-9; Lord Penrhyn, Q. 7840; Read, Q. 7910; Snowball, Q. 8030; Birdwood, QQ. 10,179-86; Chambers, QQ. 10,366-70; Lord Devon, Q. 10,862; Lord Fortescue, QQ. 5484-92.

board of guardians should act as the rural sanitary authority, those guardians only, who represented parishes without their own urban sanitary authority, participating in the sanitary business.<sup>1</sup>

This decision was open to criticism along three main lines of argument — first because it separated the sanitary administration of town and country, secondly because it created rural sanitary areas which were often mere remnants of poor law unions and consequently of exceedingly awkward shape, thirdly because it did not take into account the physiographic factors which largely determine problems of sewerage and water supply. To deal with the first criticism, it was maintained that the poor law union as a whole should have been made the sanitary unit. If it was a convenient area for poor law administration, it should equally be so for sanitary purposes. Some witnesses before the Royal Sanitary Commission had suggested the creation of sanitary unions, though not in all cases identical with poor law unions.<sup>2</sup> Again, a suggestion came from Hull that the divorce of sanitary administration between town and country could be avoided by giving the nearest urban local board sanitary authority over neighbouring rural parishes. This suggestion was rejected by the Commission on the ground that 'it labours under the fatal defect that there would be no representation of the adjoining districts, but it is valuable as expressing a sense of the inconvenient results when districts, practically, though not technically, urban, grow up uncontrolled by urban regulations'.<sup>3</sup> Chadwick wanted to overcome the difficulty by making the poor law union area a compendious one for all services. He was definitely against taking out the municipal boroughs and urban districts from the union and making them sanitary authorities on their own. He wanted to make the union the general area, more especially as it was the registration, and consequently the statistical, unit. He wrote that the Commission was 'hasty and ill-advised' in granting to the municipal boroughs and local board districts the right of special treatment over the general run of semi-rural and rural areas. The small — though densely populated — urban areas were not self-sufficient units for sanitary administration. 'The areas of municipal jurisdiction are in very few cases coincident with efficient and economical sanitary areas. Their outfalls for sewerage works are commonly through suburban or rural

<sup>1</sup> Report, pp. 23 sqq.

<sup>2</sup> *Ibid.*, Milman, Q. 4556; Walpole, Q. 5229; Field, Q. 6027.    <sup>3</sup> Report, p. 24.

districts, and the subsoil drainage of adjacent rural districts is also frequently necessary for the sanitary improvement of the urban or municipal area, and rural land is also needed for the application of the sewage, and for all these purposes, drainage areas for sanitary works are independent of municipal areas.<sup>1</sup> He further pointed out that the municipal boundaries were often inflexible and the borough was practically impossible to abolish or merge in another authority; poor law unions, however, could be easily formed, varied and combined. He agreed, of course, with what the Royal Sanitary Commission had said about the advantages of the union in the possession of administrative and medical staff, and their previous experience in medical matters.

The second criticism — that the rural sanitary districts thus created would be so often awkward and irregular in shape — was a powerful support to those who advocated the parish as the unit of administration. It would be better to set up the individual parishes as authorities, side by side with boroughs and local boards, rather than lump them together in heterogeneous sanitary districts. This was argued by Goschen in 1871, when he made the parish the basic unit of his Rating and Local Government Bill, and by Dilke in his criticism of the 1894 Act. He then showed that the rural sanitary districts were of such awkward shape that it was 'impossible to heap work' upon them and that the parish would be a more satisfactory basis.

The third line of criticism — that the new scheme did not accord with the natural geographic factors governing the problem — involves the whole question of the physiographic basis of sewerage and water supply. It will be remembered that as far back as 1845 the Second Report of the Buccleuch Commission drew attention to the fact that 'the management of the drainage of the entire area, as defined for each district, should be placed under the jurisdiction of one body'. This proposition had been extended and crystallized in the proposal that watershed boards — or conservancy authorities — should be set up. According to Lord Robert Montague, the question of the establishment of such boards arose spontaneously during the investigation of the Sewage Committee in 1864. Attention was focused on this issue by the work of the Royal Commission on River Pollution, appointed in 1865, which reported on the Thames in 1866 and subsequently on other rivers. They recommended the amalgamation

<sup>1</sup> *Memorandum on the Union as Unit of Local Administration*, p. 45.



of the two bodies (Thames Commissioners and Thames Conservancy Board) responsible for the supervision and maintenance of the river, that the reconstituted authority should be elected on more appropriate lines, and that its powers should be extended to cover all functions necessary for a river-basin authority.

The growth of river pollution was a compelling reason for such action, and since it was caused to a large extent by the discharge of sewers into the river stream, the whole question was closely linked to that of sanitation. The trouble was that each local sanitary authority found the river flowing through its own area fouled by the sewage discharged into it by authorities higher upstream. Unless both the supervision of the river itself and the administration of sewage disposal could be unified in the hands of an authority exercising powers over the entire river basin, it seemed as if this nuisance could not be abated.<sup>1</sup> The conclusion reached by Lord Robert Montague was that it was 'useless to attempt to apply a remedy unless a unity of action throughout the whole watershed or catchment area can first be brought about'.<sup>2</sup> It was useless to leave it to the individual local sanitary authorities, for they were among the worst offenders: 'Each town for its own health carries out a system of sewerage, and to save expense, it sends its sewage to towns lower down, to the infinite detriment of the health of the inhabitants.'

A river-basin authority was similarly needed because of the problem of the fisheries. While the spawning-beds were high up the river, the catching areas were near the mouth. The authorities at the source would not incur the necessary expenditure to protect the spawning-beds, when the areas lower down would actually catch the fish. On the other hand, the authorities at the mouth ought to make arrangements to allow some fish to pass upstream in order to reach the spawning areas. 'During eight years Messrs. Buckland and Ponder have turned out 300,000 fish into the Thames. With what

<sup>1</sup> 'The Londoners spent £6,000,000 to get rid of their own sewage; and yet they have to drink the filth of others. On the Medlock, the scum is so thick that birds are able to walk over it.' (Evidence of Mr. R. Rawlinson to the Royal Commission on River Pollution in 1864. See Hansard, H. of C., Third Series, Vol. 177, c. 1309). On the other hand, the authorities who complained of nuisances created by their neighbours did the same themselves. 'The Londoner complains of the nuisance created by towns further up the river, yet pours his own quota of nuisance into the river.' (Lord Robert Montague, 'Paper on Watershed Boards or Conservancy Boards for River Basins', Royal Sanitary Commission, Second Report, II, pp. 339 sqq.).

<sup>2</sup> Montague, op. cit., p. 339.

result? One fish is said to have been caught somewhere below Greenwich. Yet this number would have stocked all the rivers of Australia.<sup>1</sup> So here again one authority was needed for the whole length of the river in order to harmonize the divergent interests.

Similar considerations made it essential to arrange for both land drainage and water supply on a watershed basis. Finally, even for the provision of the normal service of sewage disposal, which was generally done under purely local arrangements, it was in fact advantageous to take the area, where possible, of a river valley. This was shown by the scheme proposed in 1869 to unite the eight villages in the Cray Valley (Orpington, St. Mary Cray, St. Paul's Cray, Foot's Cray, Chislehurst, North Cray, Bexley and Crayford), with a total population of some 20,000. They would form a single sanitary district, served by a single main sewer nine miles long. The scheme would have been effected at the cost of a sixpenny or sevenpenny rate, and if the plan to discharge sewage and utilize it there were successful, it would have been self-supporting.<sup>2</sup> The deductions as to the nature of the authority to be set up, that were drawn from these facts, were various. They ranged from the suggestion that there should be some powers to allow local sanitary authorities to combine for certain purposes, through schemes to set up conservancy boards to deal with water supply and the prevention of river pollution, to the erection of watershed authorities as 'intermediate' units of local government. Sir John Simon<sup>3</sup> agreed that local authorities should have power to combine, subject to an appeal to the Secretary of State (for at that time the Home Secretary was responsible for the Local Government Act Office), who should also have the power to compel a union of authorities. Mr. A. Taylor also wanted the power of compulsory combination by Provisional Order of sanitary authorities within the same watershed. Sir Henry Thring went further. He was prepared to group sanitary authorities into a sort of river-basin federation; but the joint functions of the group would be restricted to the control of the river itself, and would not include ordinary sewerage which would continue to be undertaken by the individual authorities.<sup>4</sup> Another

<sup>1</sup> Montague, *op. cit.*, p. 340.

<sup>2</sup> Royal Sanitary Commission, *Minutes of Evidence*, p. 227; W. May, QQ. 4207 sqq.

<sup>3</sup> Royal Sanitary Commission, *Second Report*, Vol. II (1871), *Minutes of Evidence*, Simon, QQ. 1843, 9756.

<sup>4</sup> *Ibid.*, Thring; 376-7.

expert, Tom Taylor, Secretary of the Local Government Act Office, was also in favour of some sort of watershed or river-basin authority as an abstract principle.<sup>1</sup> Other witnesses were more definite, and watershed boards were called for by a large number of them.<sup>2</sup>

Particularly significant was the evidence of Mr. — later Sir R. — Rawlinson, who had been Chairman of the first Royal Commission on River Pollution and was at that time chief inspector of the Local Government Act Office. He declared that there should be a National Conservancy Authority; that the whole country should be mapped out in a regular way into watershed areas each with a Conservancy Board; each area would contain a main river and its tributaries, and the latter would each have their own sub-conservancies. This was confirmed by another great authority on the subject, the Chairman of the Commission on River Pollution, Major-Gen. Sir William Dennison. He agreed that the area must be that of the whole valley or watershed; the adoption of this area would also facilitate water supplies. But he added a new function: the watershed board should have the task of generally supervising all local sanitary authorities within its area. It would be composed of the Lord Lieutenant of the county concerned and four or five technical experts on water and sanitary problems; they would act as a judicial body investigating complaints and having the power to compel the local sanitary authorities to do their duty. He thought that such a body would be far more effective in supervising the small authorities than would the central Government in Whitehall.<sup>3</sup> This idea of a 'cushion' or 'buffer' authority midway between the central Government and the local authorities and having a natural region — the watershed — as an area was strongly supported by Lord Robert Montague. He defined this buffer authority as a large, independent and influential body which would be able to compel the local authorities to carry out their functions and which, in so doing would 'cause no danger to the state if it should come into collision with the local authorities'.<sup>4</sup> He wanted it to be a general local government body, with powers to make by-laws, to impose its orders upon the local authorities within its area, to hear appeals and complaints, to acquire land, carry out works and

<sup>1</sup> Ibid., Taylor, 88-94.

<sup>2</sup> Ibid., Raynor, 2302; Heron, 2369, 2511-12; Winkley, 3860-4; May, 4215-27; Bailey Denton, 4248, 4880-5; Harrison, 6190; Menzies, 7027-50.

<sup>3</sup> Ibid., QQ. 7600 sqq.

<sup>4</sup> Hansard, H. of C., Third Series, Vol. 121, c. 1254.

maintain an inspectorate. It would be constituted by a federation of local authorities and it would be financed by precepting upon them. In fact, and Montague specifically said this, he visualized the watershed area taking the place of the county as a major unit in local government. In view of the contemporary projects for the constitution of county boards, this advocacy of a watershed board as the 'intermediate authority' was a frank recognition of the awkwardness of many county areas, and of the fact that they bore no necessary relation to the practical needs of sanitation, water supply and similar services.<sup>1</sup>

Commissions and committees continued to recommend the establishment of conservancy boards on a nation-wide scale, though not for such wide purposes as Montague and others envisaged. For example, a House of Lords Select Committee of 1877 advocated the establishment of river conservancy boards with jurisdiction to include removal of obstacles to navigation, improving outfalls, deepening and dredging the river bed, and 'duly limited' powers of rating.<sup>2</sup> It is interesting to note that Catchment Boards were eventually set up on a watershed basis for land drainage purposes by the Act of 1930, and the 1944 White Paper on Water Supply recommended the establishment of River Boards.

In the meanwhile the Royal Sanitary Commission did not consider an intermediate authority as desirable, and, as regards the union of sanitary authorities on a watershed basis, they would not go beyond recommending the power of such authorities voluntarily to unite; this power was, in fact, provided for in the Acts of 1872 and 1875. The object in view for such combination was 'to provide for the execution of larger work than any primary district would undertake, river conservancy, arterial drainage and the like'.<sup>3</sup>

The first attempt to clear up the tangle of local administration by legislative action was Goschen's Rating and Local Government Bill of 1871.<sup>4</sup> Goschen was determined to clear away the chaos of

<sup>1</sup> Lord Robert Montague, 'Paper on Watershed Boards or Conservancy Boards for River Basins', printed in Royal Sanitary Commission, Second Report, II, pp. 339 sqq.

<sup>2</sup> House of Lords Select Committee on existing Statutes concerning Commissions of Sewers, Drainage and Navigation Boards of 1877.

<sup>3</sup> Royal Sanitary Commission, Second Report, I, p. 54.

<sup>4</sup> The Bill had its first reading on April 3rd, 1871, after Goschen had left the Local Government Board for the Admiralty; it was dropped before the second reading.

'overlapping areas and conflicting jurisdictions' which he regarded as due to the creation of *ad hoc* bodies. To the question of what should be the basic area, he answered without hesitation — the parish. He was particularly anxious to straighten out the financial complex and to have a uniform system of rating. For all this he intended to use the parish as the unit, and to group the parishes in such a way that every 'superior level' area consisted of an aggregation of parishes; there would be no overlapping or intersection of boundaries. Each parish was to have a parochial board of between three and twenty members, annually elected with a chairman — 'the civil head' — who was to have a key position rather like that of a mayor in a French commune. These chairmen were to meet by petty sessional divisions and select one of their number to represent them. These representatives, plus an equal number of Justices of the Peace, would constitute a county financial board. The local sanitary authorities were to be the municipal boroughs, improvement commissioners and local boards; outside urban areas, the boards of guardians would act as sanitary authorities, though they were not apparently to be quite so important in the scheme as were to be the rural sanitary districts under the 1872 Act; the guardians were to collaborate with the civil heads on sanitary matters. Goschen denied the charge that his scheme was impracticable because the parish was too small; 'the constitution of the units was specially framed with the view to facilitating their combination into larger aggregate areas for all the important parts of local government. The parish was simply to be the common denominator of all other areas, its own duties being limited within the smallest possible compass'.<sup>1</sup>

The second attempt to deal with the local organization of public health administration was the Public Health Act of 1872. The establishment of the Local Government Board in 1871 had settled the question of the central authority on the lines proposed by the Royal Sanitary Commission, and it was now necessary to implement their recommendations as regards the local bodies. Following the lines of their report there was no establishment of an 'intermediate' sanitary authority at county level. This had to wait for the reform of county government as a whole. Sir Charles Adderley, who had been chairman of the Commission, took the line that the county in itself

<sup>1</sup> G. J. Goschen, *Local Taxation 'Speech and Report'* (1872), p. 11.

was too large an area for sanitary administration, and the magistrates meeting at its centre would not be sufficiently interested in the remedy of purely local nuisances.<sup>1</sup> Mr. Stansfeld, however, who was then President of the Local Government Board, made the point that he did think an area of county level desirable for purposes such as river conservancy and arterial drainage. He had chosen the borough, the local board and the union as the units, and these overlapped the county boundaries in so many places that the question would have to be postponed until the whole question of county government had been settled.<sup>2</sup>

At the other end of the scale the parish was rejected as being too small and the powers of parishes as 'sewer authorities' were abolished.<sup>3</sup> A Bill for the reform of local government in rural places, which had been introduced at this time by Sir Henry Selwyn Ibbetson, and which did seek to give the parishes sanitary powers, was withdrawn. The intention of the Royal Sanitary Commission that 'there shall be one local authority for all public health purposes in every place, so that no area should be without one, or have more than one',<sup>4</sup> was carried out by making the boroughs, Improvement Act, etc., commissioners and local boards in towns the urban authorities, and the guardians the rural sanitary authorities in other places. The urban authorities were chosen, as Sir W. Arthur Robinson pointed out, on the grounds of their existing status, rather than on their particular suitability for the task.<sup>5</sup> They were not designed to meet the functions they were intended to fulfil, but were given these functions because they already existed and could not be ignored. 'If the subject of our inquiry were a new country without territorial divisions or authority, it would be necessary to settle the administrative areas before creating the authorities to have jurisdiction over them. But in an old country, possessing authorities already too many and complex, the first consideration must be given to those which exist, and to the question whether any of them appear to be such as can be entrusted with the execution of an amended law. The town councils, incorporate towns and the local boards created under the Acts of 1848 and 1858 at once present themselves as the representative bodies

<sup>1</sup> Hansard, H. of C., Third Series, 210, c. 871.

<sup>2</sup> *Ibid.*, 210, c. 882.

<sup>3</sup> *Ibid.*, 210, c. 1266.

<sup>4</sup> Royal Sanitary Commission, Second Report, I, p. 16, para. 27.

<sup>5</sup> Royal Commission on Local Government, Minutes of Evidence, IX, p. 1712.



which have fairly discharged many of the duties prescribed by existing statutes, and they should therefore act within their districts under the new consolidated statutes which we shall now recommend.<sup>1</sup>

This advice was followed by the Government in the drafting of the Public Health Act of 1872. They made certain provisions for the case of overlapping between these types of authority. Section 4 provided that if a municipal borough or Improvement Act district was included in a local government district, or vice versa, then the authority with the smaller area should be absorbed by the authority with the larger area. If the two areas coincided, then the local board would be merged in the improvement commissioners or the borough, or the improvement commissioners would be merged in the borough. If part of an Improvement Act district or a local government district was partly within the area of a borough, then that part would be absorbed in the borough, but the rest of the district would remain unless dissolved by a provisional order. The same would apply to an Improvement Act district, part of which was within a borough. Certain boroughs were specifically exempted from the working of the Act and were not to become sanitary authorities under it. These were: Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, Newport (I. of W.). In the cases of these boroughs, local boards (as at Oxford), or improvement commissioners (as at Cambridge) were to continue to function side by side with, and separate from, the municipal authorities.

The Act provided that the rural authority was to be different in nature from that of the urban area. 'As for the same code of powers for rural and urban authorities, it seemed absurd that they should give any village in the country all the powers necessary for managing the streets and houses of a large town or even smaller towns.'<sup>2</sup> There were, however, arrangements for converting urban into rural authorities and vice versa if the growth or decline respectively of the population made it desirable. There were also facilities for transferring upwards or downwards the powers of the basic authorities. The system of parochial committees was introduced by this Act (Section 13); this gave the board of guardians, acting as rural sanitary authority, the power to devolve executive functions in any parish to

<sup>1</sup> Royal Sanitary Commission, Second Report, I, p. 22.

<sup>2</sup> C. B. Adderley, Hansard, H. of C., Third Series, 40, c. 873.

a committee wholly or partly of their members. This made it possible for a large parish to obtain local management of its own sanitary concerns while remaining within the rural sanitary district and under the control of the rural sanitary authorities.

To the objections of Montague and others, that there was no regard in the Bill for natural areas of sanitary administration, and that for some purposes at any rate a larger area was essential, Stansfeld as Government spokesman was able to point to Clause 26-32, which enabled the Local Government Board to combine sanitary authorities into joint boards for the purposes of river conservancy, arterial drainage, and any other objects of the Public Health Acts. The impression was given during the Debate on the Bill that these clauses might well result in a general creation of watershed boards all over the country. It was necessary to have this flexible method of procedure because of the overlappings of union and county boundaries, and the fact that the counties were not natural areas for public health purposes made any more rigid scheme impracticable.<sup>1</sup>

This Act of 1872 has had lasting effects on the structures of local government in England and Wales. Sir Gwilym Gibbon called it 'on the whole the most significant date in modern local government ... In 1872 you have the definite principle established that the whole country is to be divided for sanitary purposes into Urban and Rural Sanitary Authorities, and you have definite powers and duties relating to sanitary matters vested in the different authorities'.<sup>2</sup> From the standpoint of areas the Act of 1872 was decisive. It firmly imprinted upon the structure of local government the separation of urban and rural authorities, the divorce of town from country even at the district level. Further, it made concrete and definitive the existing practice of taking out the urban authorities from their rural setting and giving them special powers and status according to their size or rank; the rural areas that were left behind after this process of excision were grouped as best they could be under authorities which administered the remnants. This process — to quote the expression of Albert Pell — of 'punching out' the urban areas continued until the present day, but was particularly noticeable in the second half of the nineteenth century; 'it appears to be the feeling of the age for every-

<sup>1</sup> C. B. Adderley, *Hansard, H. of C., Third Series*, 210, c. 882.

<sup>2</sup> Royal Commission on Local Government, *Minutes of Evidence*, I, p. 446.

thing to form itself into a Board if it can'.<sup>1</sup> The principles of 1872, therefore, were the exact reverse of those of 1834 which sought to unite town and country into compact and convenient units.

#### *D. The Divided Parishes*

In the process of rectifying boundaries and eliminating anomalies on the local government map, there were two main developments during this period. First, the areas of many parishes and townships were of a chaotic complexity. They had detached parts in the middle of other parishes, they overlapped county boundaries, and many of them were ridiculously small in area and population. It is true that the 1871 Rating and Local Government Bill, introduced by Goschen, which had adopted the parish as a basic unit, had been dropped, and the district had been the area favoured by the Public Health Act of 1872, yet the defenders of the parish and its claim to an important place in the administrative structure were still active, and future legislation might once more make it of cardinal importance. For that reason alone it was essential to get the parish boundaries reorganized, but in any case the difficulties of so many of the parish areas constituted a great obstacle from the viewpoint of the everyday problems of rating, elections and the like; it would therefore be a great advantage from the administrative aspect to get the situation cleared up, even if the parish remained only a minor unit. Secondly, it was quite impossible, as it then seemed, to get a representative form of government for the county and give it a key place in the system, until the overlapping of counties by poor law unions was ended. This would be the more vital, since the new rural sanitary districts were based on the poor law union boundaries, and thus the county boundary was overlapped not only for poor law but now also for sanitary purposes.

In 1870 Goschen, as President of the Poor Law Board, called for full reports from the Inspectors of the Board on this problem, but though the facts were made clear, no solution readily presented itself. Accordingly, on May 12th, 1873, the then President of the Local Government Board, Mr. J. J. Stansfeld, moved 'that a Select Committee be appointed to inquire and report whether the existing areas and boundaries of parishes, unions and counties may be so altered

<sup>1</sup> H. of L. Select Committee on Highway Acts (P.P. 1881, X), Pell, Q. 3584.

and adjusted as to prevent the inconvenience in matters of local administration and taxation, which now arises from the limited extent or subdivision of certain parishes or the overlapping of parishes in two or more administrative areas, or from parishes and unions being situated in more than one county, with power to recommend if any, and if so what, measures should be taken to give effect to their report'.<sup>1</sup> Stansfeld pointed out that 782 of the 15,453 parishes in England and Wales had less than 50 inhabitants, 173 between 40 and 50, 189 between 30 and 40, 168 between 20 and 30, 150 between 10 and 20, 98 between 1 and 10,<sup>2</sup> and 14 had no population whatsoever.<sup>3</sup> Again, the detached parts of parishes, and within the large northern parishes, of townships, were troublesome; he mentioned as an example the six townships in the Parish of Holme Cultram in Cumberland, which comprised 46, 6, 7, 22, 11 and 25 detached parts respectively. In Lanchester Parish in Durham there were 17 townships; all except one had detached parts spread among one another's areas, ranging from 1 to 19 parts apiece. In the West Riding Parish of Whitgift, there was a township, Swinefleet, in 97 separate parts.

As regards the other field of inquiry, Stansfeld suggested that the Select Committee should recommend first, where possible, the alteration of union boundaries, then, if that were not possible, of the county boundaries, but best of all a delicate adjustment of both.<sup>4</sup> A move was unsuccessfully made by Mr. Bernhard Samuelson, Member for Banbury (a borough then in three counties) to get borough boundaries included within the purview of the Committee, but this was thought to be too difficult a problem to be added. The Committee was appointed on May 22nd, 1873, and comprised Stansfeld as Chairman, Sir Michael Hicks Beach, Mr. Locke King, Mr. Cross, Sir J. St. Aubyn, Colonel Barttelot, Lord George Cavendish, and Messrs. Goldney, Candlish, Floyer, Leeman, Ridley, Woods, Welby and J. T. Hibbert.

Evidence presented to the Committee showed that there were 1296 parishes in England and Wales which had detached parts:

<sup>1</sup> Hansard, Third Series, 215, c. 1819.

<sup>2</sup> Presumably including the parish which was, according to a Local Government Board return, inhabited by one old woman, one pig and one donkey.

<sup>3</sup> Hansard, Third Series, 215, c. 1822.

<sup>4</sup> Report of Select Committee on Parish, Union and County Boundaries (P.P. 1873, VIII), p. 195.

834	had	1	detached	part
287	„	2	„	parts
77	„	3	„	„
51	„	4	„	„
18	„	5	„	„
16	„	6	„	„
2	„	7	„	„
2	„	8	„	„
3	„	9	„	„
4	„	10	„	„
1	„	11	„	„
1	„	12	„	„

But the situation was in fact much worse than this, as the list given only enumerates parishes. In the North, the unit was the township, and there, particularly in Durham, the townships were very much broken up within the ancient parishes. The case of the township of Lanchester, with its ninety-seven detached parts, falls into this class. One example of the complex situation that arose when several adjacent parishes had these detached parts in one another's areas, is afforded by an example, taken at random, in the Oxford area. The Parish of Cowley had two detached parts in St. Clement's and five in Iffley; Iffley had five in Cowley and five in Littlemore; St. Clement's had two in Cowley, and the Parish of St. Mary-the-Virgin had four in Iffley and one in Cowley. In some cases, notably on the borders of Gloucestershire, Warwickshire and Worcestershire, the parish might have a detached part in another county. Thus, for instance, Broughton Poggs had one part in Oxfordshire and one in Berkshire.<sup>1</sup> In the marshlands of Norfolk and Ely, there were often small areas of reclaimed fen, which were owned in strips by adjoining parishes, with increasingly complex results. It has been suggested that there were originally large tracts of land over which the owners of messuages or tofts within certain manors had rights of common pasture, fuel gathering and so on. If there were several parishes in a manor, the common land, belonging to each manor, was subsequently divided between the individual parishes. In many cases, this common land was, under the Enclosure Acts, divided up and allotted to the owners of the messuages or tofts, and according to these Acts, such allotments were declared part of the township within which the messuage

<sup>1</sup> Ibid., Evidence of Lumley, p. 6.

or toft was situated.<sup>1</sup> Alternatively, some of the anomalies may have been due to the desire of landlords to get all their property within the same parish, to the descent of feudal inheritances, or to the attempt of monasteries to extend the parishes under their control in order to increase the tithes. But whatever the origin of these detached parts of parishes, the results were quite easy to ascertain, and extremely inconvenient. As Mr. A. Doyle, Local Government Board Inspector in Wales, put it: 'As representing the Local Government Board, the inconvenience of having these disjointed portions of parishes and overlapping boundaries of counties is brought to my attention constantly.'<sup>2</sup> He cited the case of the Threapwood lunatic as a graphic example of the problems of parishes overlapping county boundaries. The Parish of Threapwood in the Wrexham Union was partly in Denbigh and Wales, partly in Cheshire and England. A woman in that parish became mad, and had to be sent to the Chester Asylum. As she was a pauper, the cost of her maintenance there fell upon the poor law Union of Wrexham. Now, the cost of maintaining pauper lunatics in England was fourteen shillings a week, and in Wales eight shillings, and the question was whether she had been born in the Welsh or the English part of the Parish. The Clerk of the Wrexham Union investigated the question and found the boundary line ran through the house in which the woman lived, but he was able to prove that she had been born in a room on the Welsh side, so he was able to save his Union the six shillings. Then again, the collection of rates was made difficult, as the rate collector for the parish had to make a long detour to collect the rates in the detached parts, though if they were in the same union as the parent parish, arrangements could often be made to overcome this.<sup>3</sup> Much more trouble arose with regard to the assessment of the rates. Mr. T. F. Hedley, an expert in valuation, pointed out that the problem was serious enough when the valuation was on a simple parochial basis, because in the North-east, for instance, a coal-mine might extend into two parishes, or the coal might be worked in one parish and brought to the surface in another, thus causing doubt as to the parish which should gain the rateable value. But it was much worse when the parish or township was split, as was very frequently the case in Durham. He mentioned another type of case, when a railway station

<sup>1</sup> Report of Select Committee on Parish, Union and County Boundaries (P.P. 1873, VIII), Appendix 8T, p. 241.

<sup>2</sup> *Ibid.*, Evidence of Doyle.

<sup>3</sup> *Ibid.*, Evidence of Lumley, p. 6.



had its main buildings in one parish, part of a platform in a second, and the sidings in a third; he once had had to value for rating purposes two miles of railway in Herefordshire, which ran through fourteen different parishes or townships. Similar problems were found with regard to the establishment of a settlement under the poor law. 'In the case of Sunderland, we have the boundary between the Parish of Sunderland and the Township of Bishop Wearmouth running through a house. About one-third of that house is in the Parish of Sunderland and two-thirds in the Township of Bishop Wearmouth. The finest points of law have arisen as to whether a servant by hiring service in that house got a settlement in the Parish of Sunderland or the Township of Bishop Wearmouth. To determine that, we had to find out what part of the house she slept in.'<sup>1</sup>

There were difficulties with regard to sanitary matters also; this was especially the case when it was necessary to form a 'special drainage district' — a portion of a parish for which particular sanitary works were carried out, and upon which a special rate was levied to pay for them. Indeed, the trouble caused by the irregularities of parish boundaries in defining the special drainage areas and assessing the rates, was so great that the Local Government Board expert on these problems, Major P. Cox, suggested that the parish boundaries should be changed to fit in with those for the special drainage districts — an example of an expert asserting that the requirements of his own service should dominate the field. His scheme was that where special works had to be carried out, it should be possible to avoid the awkwardness of having a special rate levied on a district comprising parts of perhaps several parishes, by constituting that special drainage district a parish of itself.<sup>2</sup>

With regard to roads, the same sort of waste was experienced as in the case of rate collecting. In the fen country, for instance, where the reclaimed marshland was so often divided up into strips belonging to many parishes, surveyors would have to travel fifteen or sixteen miles to inspect six or seven miles of road, whilst other surveyors were traversing their roads on the way to their own.<sup>3</sup>

The Education Act of 1870 had also to be administered with difficulty because of the inconvenience of the parish boundaries.

<sup>1</sup> Ibid., Evidence of Hedley, pp. 140-4.

<sup>2</sup> Ibid., Evidence of Cox, p. 99.

<sup>3</sup> Edwin Chadwick, *County Government* (1879), p. 8; W. H. Wheeler, 'Roads and Highways, their History, Construction, Cost, Repair and Management', *Journal of Royal Agricultural Society* (1876).

The Act was planned to get the unit as small and compact as possible, as it put upon the parish the responsibility for providing school accommodation if it had not already been adequately provided. The idea was to keep the unit small so as not to penalize those who had already provided a school, by making them contribute to the cost of a school for their less provident neighbours. Yet, if a parish had a detached part some distance away, the inhabitants of the main portion might provide a school and yet be compelled to contribute to the cost of one for the inhabitants of the detached part who had failed to do so; or the reverse might be the case. Worse still, the inhabitants of the main portion might not have any control over the circumstances which made it necessary to provide a rate-borne school in the detached part. Thus, for instance, the Parish of Treeton (Yorkshire) had already supplied itself with a voluntary school for its main part, but had a detached part some miles away. The latter was near a mine in another parish; the mine attracted mine-workers, who settled in the detached part of Treeton, and the whole parish had then to provide the school for the detached part, for the children of the mine-workers, who went to work in a different parish. Again, the Parish of Runham (Norfolk) had a detached part on which the Great Yarmouth railway station was built. Yet it was not Yarmouth, but the main part of Runham Parish, some distance away, which had to pay for a school made necessary by the railway station. Cases like Wildmoor Fen gave the most trouble of all; Wildmoor Fen was divided between twenty-seven parishes. According to the letter of the Act, these detached parts could only be dealt with through their own parent parishes. Now the whole of the twenty-seven parishes would have to be grouped together to form a school board, unless the twenty-seven portions were themselves formed into a separate parish; otherwise it would be necessary to provide twenty-seven separate schools in Wildmoor Fen.<sup>1</sup>

The Poor Law Amendment Act (30 & 31 Vict., c. 106) of 1867 (section 3) gave the Poor Law Board power, after a local inquiry, to make a provisional order to adjust parochial boundaries, providing the parish was divided and one-tenth of the ratepayers, either in numbers or rateable value, made application for this to be done. This was done in two or three cases; Woolavington in Sussex had

<sup>1</sup> Select Committee on Parish, Union and County Boundaries, Evidence of P. Cumin, p. 58.

been in four parts — two of these were incorporated in surrounding parishes and two made into separate parishes. East and West Lavant Parishes were so intermingled that they were made into one; similar treatment was accorded to Shipton Sollers and Shipton Oliffe in Gloucestershire. On the other hand, the very large Lancashire Parish of Ulverston was divided up under the powers given by the Act. Yet although the inhabitants of these parishes undoubtedly suffered inconvenience, they were apathetic about making the necessary application. A. Doyle quoted the case of the inhabitants of Abenbury Fechan and Fawr, a detached part of Flint in Denbighshire; they had to go three miles to reach the nearest part of the main area of Flint, and had to go six or twelve miles to transact any business needing a magistrate or to deal with their income tax. 'Yet the inhabitants would not stir themselves; they would however be glad if the Local Government Board did it for them.' Section 4 of the Metropolitan Poor Act (32 & 33 Vict., c. 63) of 1869 did give the Poor Law Board the power to adjust parochial boundaries without a provisional order or an application by the inhabitants, in the case of the metropolis, and the Local Government Board wanted the same powers for all parishes. As regards unions, the Local Government Board could alter them, but not dissolve them entirely, without their consent (Poor Law Amendment Act—7 & 8 Vict., c. 101 — of 1844). So Mr. Lumley, the Assistant Secretary and Solicitor of the Local Government Board, suggested that the Local Government Board should have power to deal with isolated parts of parishes without any application by the inhabitants; he also wanted powers to dissolve unions and to deal with cases of parishes overlapping counties by dividing the parishes, and if necessary annexing the portion to the adjoining parish.<sup>1</sup> This was supported by Mr. P. Cumin of the Education Department, who similarly advocated power to annex, for school board purposes, detached parts of parishes to the parishes by which they were geographically surrounded. On the other hand, he was against anything which would make possible further splitting of parishes that were not already divided, otherwise 'they would have nothing to stand on'. Every part of a parish or town that already had a school, or did not need one, would claim to be split off from the rest of the parish or town, so as not to have to contribute to a school for the other part of the area.

<sup>1</sup> Ibid., p. 11.

The Select Committee's recommendations were as follows:

1. In the case of divided parishes, the detached portions should be incorporated in the adjoining parish or parishes; if two-thirds of the ratepayers objected, the Local Government Board Order should be provisional.

2. Small parishes under 100 in population (in discussion, the Committee had rejected an amendment that the limit should be 300) should be combined with other parishes for all civil purposes, by Provisional Order of the Local Government Board.

3. Where parishes overlapped the county boundaries, the Local Government Board should have power by Provisional Order to include a part or the whole of any parish in any county, but Quarter Sessions must approve any change of the county boundary.

4. When parishes overlapped an urban sanitary district, they should be split along the boundary of the urban sanitary district, with power to annex the divided parts to adjoining parishes; the same could be done where new urban sanitary districts were formed.

5. Detached portions of counties should be annexed to the county by which they were geographically surrounded.

6. Since the Local Government Board had power to take parishes from, or add them to, unions, they should have power also to dissolve unions and poor law incorporations 'in order to form more convenient areas of administration'.

The Select Committee thus brushed lightly over the difficulty of the overlapping of county boundaries by unions, and this particular problem had to wait for treatment for several more years, not really being faced until the introduction of representative government for the counties in 1888 made it absolutely imperative to do so. On the other hand, the provisions affecting parishes were quickly put into effect. Three years later, in 1876, the Divided Parishes and Poor Law Amendment Act (39 & 40 Vict., c. 61) gave the Local Government Board power in the case of 'divided parishes' after local inquiry: (1) to constitute separate parishes from the separate portions of the divided parish; (2) to amalgamate some of the parts with the parish or parishes in which they were locally situated. When requisite, the county of a parish or part of a parish could be changed. If one-tenth of the ratepayers — in number or rateable value — objected, the order would be provisional.

Progress at first was not over-hurried. In 1878 sixteen inquiries

were held,<sup>1</sup> and in 1879 twelve.<sup>2</sup> A further Act was passed in 1879 to clear up certain difficulties which arose in the application of the 1876 Act. This Act (Poor Law Amendment Act — 42 & 43 Vict., c. 54) provided (section 4) that when part of a parish was on one side, while the residue of the parish was on the other side, of the boundary of a municipal borough or county, or of a river estuary or branch of the sea, or when part of a parish was so situated as to be nearly detached from the residue of the parish or otherwise so situated as to render inconvenient the administration of poor relief or its administration with the rest of the parish, then such a parish was to be held to be a divided parish within the meaning of the 1876 Act. It could then be dealt with by the Local Government Board, as if it were in two or more completely separate parts. Further, to clear up doubts which had arisen, section 5 provided that an order under the 1876 Act could deal with several divided parishes at the same time, and provide for the constitution of new parishes and the absorption of parts of parishes under a scheme affecting several parishes simultaneously.

In 1880 the number of inquiries went up to twenty-five, and by 1881 the Local Government Board could state that since 1876 268 parishes having detached parts had been dealt with, either by adding the detached parts to the parishes in which they were geographically situated, or by the amalgamation of a number of the detached parts together to form new parishes.<sup>3</sup> Even though these 268 parishes had been dealt with, it was thought that the use of the powers could be speeded up and facilitated. So in 1882 the Divided Parishes and Poor Law Amendment Act (45 & 46 Vict., c. 58) provided that an automatic procedure should apply. If any detached part of a parish was entirely surrounded by another parish, it should, after March 25th, 1883, be amalgamated with that parish, just as if it had been formally amalgamated under the Act of 1876. There were certain special points for this automatic operation of the rule. Two or more 'parts' surrounded by another parish were to be deemed one part; in case of dispute as to whether a particular area was a detached part or not, the Local Government Board should decide. The Metropolis was excluded from the provisions of the Act. Further, if any

<sup>1</sup> Eighth Annual Report, Local Government Board, 1878-79.

<sup>2</sup> Ninth Annual Report, Local Government Board, 1879-80.

<sup>3</sup> Local Government Board Annual Report for 1880-81.

detached part which had a population of at least 300 applied with a memorial signed by a tenth of its ratepayers (in numbers or rateable value) to be declared a separate parish the Local Government Board had discretion to grant this application. Only three parts of parishes did so apply — Apsley Guise, Cowley and Llanbedr-y-Cennin — and these were in fact constituted as separate parishes in the following year.

The progress made during the next few years after the passing of the Act of 1882 can be seen from the following table compiled from the Annual Reports of the Local Government Board. It shows the number of parishes created and absorbed in other parishes, and of parts of parishes dealt with by orders becoming effective down to 1889.

<i>Year when Order became Effective</i>	<i>New Parishes Created</i>	<i>Parishes Absorbed</i>	<i>Detached Parts of Parishes Eliminated</i>
1883	4	9	115
1884	10	44	466
1885	9	42	493
1886		34	243
1887		30	190
1888		13	286
1889		12	111

After the Local Government Act of 1888 was passed, the responsibility for making orders altering the boundaries of parishes and combining them was transferred to the county councils under that Act, subject to the confirmation of the Local Government Board.

#### *E. The Unit of Rural Government: Union or Highway District?*

Although the Act of 1872 established an almost uniform system of urban and rural authorities for sanitary purposes, there were as yet no compendious authorities at the district level, for both in town and country there were other bodies exercising local government functions side by side with the local sanitary authorities. In 1878 a Select Committee of the House of Commons was set up to inquire into the method of electing poor law guardians and members of local boards. The object of the inquiry was to ascertain the various kinds of regulations for elections, voting, etc., and to try and find some means of reducing them to a uniform system. It was therefore not concerned with the problem of areas primarily, but the evidence submitted to it was of such a character that it could not refrain from dealing with the problem of areas in its report. It wished to see a



single authority for all local purposes in both town and country. As regards towns, this meant that the town council or local board should absorb burial boards and inspectors under the Lighting and Watching Act.<sup>1</sup> Indeed they went further by suggesting that wherever possible they favoured proposals for making the town council or local board the sole administrative authority. Through committees it could perform all the functions of the guardians and the school board. As regards rural parishes, here again burial boards and lighting inspectors should cease to exist as separate bodies.<sup>2</sup> But their power should not remain at the parochial level, but be handed over to the guardians as rural sanitary authority. In addition, highway boards should hand over their powers to the rural sanitary authority also. Thus the only rivals to the rural sanitary authorities still existing in rural areas — the highway districts — should go, and the highway district area should disappear.<sup>3</sup>

It will be recalled that the evidence submitted to the Royal Sanitary Commission showed that while it was desirable there should be one area for both highway and sanitary purposes, it was not obvious whether the area to prevail should be that of the union or that of the highway district (which was often coincident with that of the petty sessional division). Now, however, it seemed as if after the adoption of the union area for rural sanitary districts in 1872 and the recommendations of the Select Committee in 1878, the highway districts should be assimilated to the rural sanitary areas as quickly as possible. Accordingly, the President of the Local Government Board, Mr. G. Sclater-Booth, incorporated into the Highway Bill of 1878 a clause to enable county Quarter Sessions to dissolve highway districts in order to rearrange them so as to coincide with rural sanitary districts. The rural sanitary authority could then by presenting a memorial to the Quarter Sessions take over the powers of the highway authority. This clause was inserted into a Bill which had been made necessary by the pressing problem of highway expenditure. Previously the main roads of the country had been administered by the 1100 Turnpike Trusts. These, because of the necessity for continually paying tolls, were extremely unpopular, and were not renewed after the original trusts had expired. But they had the advantage of charging up the costs of the main roads upon

<sup>1</sup> Report of Select Committee on Poor Law Guardians, etc., 1878, p. vii.

<sup>2</sup> *Ibid.*, p. v.

<sup>3</sup> *Ibid.*, p. vii.

the people who used them, in particular the owners of large fleets of carts and vans, like brewers or coal-merchants. The local highway authorities, therefore, whether parishes under the 1835 Act, or highway districts under that of 1862, were concerned only with the secondary or local roads. But as the Turnpike Trusts expired, the main roads fell for the first time on the local highway authorities.<sup>1</sup> The incidence of this expenditure could be very unfair, as a small parish might have a most important road running through it, and be compelled to pay for its upkeep, even though it was used only for through traffic. Take for instance the main road from London to the South Coast; it passed through a corner of the rich Royal Borough of Kingston (rateable value £80,000) and cost that borough £800 per annum for maintenance: but in the adjoining little Parish of Ham, with a rateable value of £1100, the cost was £380.<sup>2</sup>

To deal with this situation, therefore, the Act of 1878 ordered the Quarter Sessions to classify all roads either as main or local. The main roads were to be the 'dis-turnpiked roads' and such other roads as the individual county authority might choose to add. Once classified, main roads would be paid for, half by the highway parish or district, half by the county rate, all payments being made subject to the inspection by the county surveyor. Finally, it was decided to apply the principles of the Union Chargeability Act of 1865, which spread all the costs of the poor law over the whole poor law union equally, to the highway districts. Previously, the parishes in the district had each paid for the maintenance of their own roads, but contributed to a common pool to meet such joint expenses as the salary of a surveyor. Now, all the expenses were to be raised by a general highway district rate, levied irrespective of the mileage of road in each parish.

Some county Quarter Sessions at once set to work to use the powers given them to reorganize their highway areas, and to make them coincide with rural sanitary areas. Wiltshire, the Chairman of whose Quarter Sessions Highways Committee was Lord Edmond Fitzmaurice, saw rapid progress in this respect. In 1878 there were 11 unions and 17 rural highway authorities; by 1881 the latter had

<sup>1</sup> Between 1871 and 1881 the number of Trusts was reduced from 852 to 184. In 1883 only 71 remained, controlling 2180 miles of road. (Local Government Board Annual Report, 1882-83, p. cxl.)

<sup>2</sup> Select Committee of House of Lords on Highway Acts, 1881, Evidence of Bell, Q. 546.

been reduced to 11, all corresponding to the union boundaries, except where the latter overlapped the county. Even here, they had in one case succeeded in getting the Local Government Board to dissolve the union and reform it, so that it could be made to fit in with the new highway districts. The highway districts of Amesbury, Tisbury, Wilton, Warminster, Calne, Chippenham, Devizes, Everley and Marlborough, were made to coincide with the rural sanitary districts: Salisbury, Mere and Malmesbury so far as the overlapping of the county boundaries allowed. In each case the rural sanitary authority had become the highway authority also.<sup>1</sup> In Kent similar steps had been taken and the reorganization had been completed in half the county;<sup>2</sup> a similar situation had been achieved in Hampshire many years previously.<sup>3</sup>

But elsewhere in many counties the Act of 1878 seemed to bring to a head dissatisfaction with the highway district system. It will be recalled that in several counties the highway districts had never been formed at all; but now, even in counties in which they had been created and apparently worked to the satisfaction of all concerned, there was a sudden and violent reaction against them. For instance, in Bedfordshire, Cambridgeshire, Cumberland, Hertfordshire, Shropshire, Suffolk, Warwickshire and Yorkshire, applications for the dissolution of highway districts were made to Quarter Sessions. In these counties the Quarter Sessions set to dissolving many or all of the highway districts they had themselves formed. It was seriously contended that it would be better to go back to the parochial system and let each parish manage, and pay for, the maintenance of its own highways; some even believed that it would be best to go back even beyond the Highway Act of 1835 and restore the old system of statute labour, each farmer taking his turn to act as surveyor of highways for the parish, and supplying his own team of horses for the work. There seems no doubt that this violent reaction can quite definitely be dated to 1878. 'The real cause of dissatisfaction, I believe, is simply and solely the legislation of 1878.'<sup>4</sup> The truth of the matter seems to be that the cost of maintaining dis-turnpiked roads fell with disastrous suddenness on the rural areas at a time when there was a serious agricultural depression. Further, the turn-

<sup>1</sup> Select Committee on Highway Acts, Evidence of Fitzmaurice, Q. 3659.

<sup>2</sup> Ibid., D'Aeth, QQ. 2939-41.

<sup>3</sup> Ibid., Moss, QQ. 512 sqq.

<sup>4</sup> Ibid., Newton, Q. 3723.

pike dues had been used to pay off debts and interest of the turnpikes, so that many of the roads themselves were neglected and in bad condition; on taking them over the highway authorities found that abnormal expenditure was required to put them in proper order. Thus the 'ignorant impatience of rates' made the agricultural class feel that the trouble was due to the highway districts as such, which they regarded as an extravagant substitute for parochial management. The parochial system had the advantage of enabling a close and rigid supervision of expenditure, and the unpaid parish surveyor, who might be bearing a considerable proportion of the rates in a small parish, would have more inclination to economy than the hired surveyor of the district. 'These advantages of personal interest and vigilance are, it is said, lost when the parish is merged in the larger area of the district. A man is not so attentive to economy when he knows that his neighbours must share the payment.'<sup>1</sup> Another feature appealed to the farmers as economical; each, as he took on the office of surveyor, could use his own horses at a time when he did not need them for the farm work, and thus reduce parish expenditure; on the other hand, when farm work was slack, he could employ his own labourers on the roads and pay them out of the parish rates. In some places, local circumstances did make efficient and economic management practicable on a parochial basis. This was pointed out by the Honourable W. Egerton, M.P., to the House of Lords Committee (Q. 3545) as occurring 'when you had good road material very cheap (in the parish itself). Then the parochial system worked very well, but when it was necessary to get the roads made on a definite system, and to import the stone from outside the parish, then the district system was best'.

The Local Government Board also helped to bring dissatisfaction to a head in 1878 by introducing a new audit for highway districts. Previously, the audit had been a comparatively simple one, arranged by the Local Government Act Office in the Home Secretary's Department, which had been responsible for the highways from 1858 to 1871. This office, as its Secretary, Tom Taylor, was always complaining, had no proper inspectorial or auditing staff, and it was accordingly difficult to keep a strict check on local highway expenditure. When a proper audit was started by the Local Government Board some remarkable cases of unjustifiable expenditure came to

<sup>1</sup> Select Committee on Highway Acts, Report, para. 44.

light. For example, in one case the auditor disallowed a considerable charge on the ground that 'the payment was made for the personal refreshment of certain members of the Highway Board and others, on the occasion of inspecting the roads in the district. The appellant urged that a perambulation of the district was deemed necessary, that those who took part in this proceeding had had a hard day's work, and had therefore earned the right to "some refreshment", for which "reasonable expenses" should be allowed. We are unable to concur in the view that champagne was a reasonable item in the bill submitted to us'. In another case: 'We shared the opinion of the auditors that a considerable outlay on sherry, early salmon, pale ale and the like could not legally be borne by funds raised by compulsory taxation.'<sup>1</sup> Many of the cases of such unjustifiable expenditure were, however, likely to appeal to the agricultural classes. For example, the farmers probably supported the institution of a tariff of one guinea to any person who could produce a dead grown-up fox, or 10s. 6d. for a pup, to be met out of the highway rates. Still, however desirable for the farmers, the Local Government Board concluded that 'No ingenuity could connect the slaughter of foxes with the repair of the highways . . . If long usage could supply the place of legal authority, the maintenance for a quarter of a century at the cost of the highway rate of a club for the destruction of sparrows might have been pleaded with some effect. The appellant in this case remarked that "It is the first time the accounts have been audited and I was quite innocent it was wrong". The club, he said, was formed because "There are so many thatched houses and the sparrows used to destroy them and the corn". The farmers used to shoot the sparrows and sell them to a person, who was afterwards repaid out of the highway rate. In this particular instance, a sum of £3. 10. 1½d. had been thus expended. This, exclusive of an unexplained item of 12/6d for "fees", represented the price of 1,383 sparrows. Of the total, 765 fell to the share of the "men and boys of the village"'. Of mole catchers, whose remuneration for many years had been regularly charged on the highway rate, the Local Government Board had frequent instances. 'Having no other available source from which to pay a bill of £6 for two years' mole catching', said the appellant in one case, 'we paid it from the surveyor's account.'<sup>2</sup>

<sup>1</sup> Report of Local Government Board for 1880, p. xliv.

<sup>2</sup> Ibid., p. xlii.

The farmers, therefore, were displeased when, to curb this sort of practice, the Local Government Board introduced a new and stringent system of audit in 1878. They had not objected to the waste occurring under the previous arrangement, but they condemned the new means of enforcing economy as itself a waste of money. This audit was 'troublesome and red-tapey', and was, not surprisingly when one considers the traditions of the Local Government Board, based on the poor law audit. The result was, as a district highway surveyor put it: 'You have to account for your stores as if they were ounces of starch or anything of that kind coming in.'<sup>1</sup> 'The surveyor has been called on recently to keep a very large number of books; he has more than 50 books to keep, specifying things that it is perfectly impossible for him to ascertain.'<sup>2</sup>

But it was not only the surveyor who disliked the cumbrousness of the new audit imposed upon him; the rural ratepayers considered it a terrible waste of time and money. 'There are many other points which occur to a farmer living in the district; he sees his own horses standing in the stable doing nothing for weeks on end, and men being paid a very high rate for drawing stone; then he sees the men idling in the public-houses, and the surveyor coming twenty miles to see them (when he does come to see them) and when he does come, he is compelled to go to a public-house to see them, because he has never anywhere else to put up his horse and trap. Then the farmer sees the surveyor coming with half a hundredweight of books under his arm, because the Local Government Board insists on these accounts being kept. He knows the roads are not being repaired for double what it would cost him to repair them without all this public-house frequenting and his horses standing idle in the stable. The surveyors have become clerks and the gangers take to drinking very often. In fact, the thing is breaking down from its own weight.' This was what an evidently dissatisfied Shropshire magistrate, Sir Baldwin Leighton, told the House of Lords Committee in 1881.<sup>3</sup> He went on with his complaints about the detailed accounts introduced in 1878. 'Then the wages book is a very troublesome thing; the man has to carry a large book twenty miles, and when he gets to the workmen, the workmen cannot read or write, and they make a cross, and then he carries the book twenty miles back, and our man

<sup>1</sup> Select Committee on Highway Acts, 1881. Evidence of G. Wilmot, Q. 1512.

<sup>2</sup> Ibid. Gilbert, Q. 1004.

<sup>3</sup> Loc. cit., Q. 2967.



is unable now to go on horseback; he must keep a gig to carry the books about the country, and is obliged to keep a clerk; in fact, he spends his time keeping the books.'<sup>1</sup>

The way to escape from this system of audit was to break up the highway district and revert to parochial management. Then the old-fashioned system of auditing the parish accounts by the vestry would be restored. It is true that the astute clerk of a Hampshire Highway District, where the Board of Guardians had become the highway authority, successfully pleaded that they were exempt from the highway audit, because they were a sanitary, not a highway, authority. But in general the only way out was to revert to individual parish management.

The pooling of all expenditure on a district basis was another cause of widespread complaint. The precedent of the Union Chargeability Act of 1865 was cited by the Local Government Board as a justification, but the small parishes refused to see it in that light. They knew that if there was only a very small mileage of road in their own parish, they would escape more easily under the parochial system. Again, the argument was raised that if a parish had neglected its roads, when it alone was responsible for them, it was unfair that the transfer of responsibility should be made to the district as a whole, since this would result in the other parishes, who had provided their own roads with adequate maintenance, being compelled to pay for the negligence of their defaulting neighbour. The very same argument was, of course, used in 1870 when the size of the school district was being discussed. It was urged that the Union Chargeability Act was no valid precedent, since roads were a more particularly 'local' service than poor relief, and the charge should be borne locally and not spread. The difficulties of defining why a service is more 'local' than any other service are perhaps best illustrated by the following exchange between Earl Fortescue and Sclater-Booth:

'(Sclater-Booth) — I remember Lord Derby saying there was nothing so local as a road.

(Earl Fortescue) — You consider that a road is more local than a lunatic?

(Sclater-Booth) — I think that the management of a road and its condition is more distinctly a local interest than the more or less expensive treatment of a lunatic.'<sup>2</sup>

<sup>1</sup> Ibid., Q. 2976.

<sup>2</sup> Select Committee on Highway Acts, QQ. 289-91.

On the other hand, Slater-Booth would himself have been the first to admit that the charge on many of the roads must be spread as widely as possible, because they were used by non-local traffic. Too many of the arguments used against highway districts and for a reversion to the parochial system were, when not based on a misconception, due to mere selfishness. For instance, a witness from Kent told the Select Committee of the feelings in favour of the break-up of highway districts in his county:

‘(Chairman) — I understand the agriculturalists generally wish to return to the parochial system? — Yes, speaking of my own County, decidedly.

Is that your opinion? — Yes.

What is the size of your Parish? — There are only two houses in it.

Then your Parish would come off very cheaply? — Yes, I suppose probably it would.

A very small parish with a very small extent of road would, of course, gain largely by a reversion to the parochial system? — Yes, no doubt it would.’<sup>1</sup>

Unfortunately for the working of the system, it was the small parishes which could call the tune. The whole process is revealed by the evidence of a witness from Warwickshire. ‘The fact of the roads now being maintained out of the common fund has altered the position vis-à-vis the highway district of sundry parishes, themselves unimportant, but large in number. This I may illustrate by the case of one highway district. It consists of 18 highway parishes, and 11 of them are now called upon by the Act of 1878 to contribute by means of the district fund larger sums towards the support of the roads of the district than the maintenance of the roads within their respective areas formerly cost them. Thus the self-interest of a majority of the parishes has become hostile to the continuance of the District Highway Board; but this numerical majority of parishes and, as the Board is constituted, of voting power, does not by any means represent the major part of the area or of the rateable value, or of the roads of the district. On the contrary, nine out of the eleven parishes forming the numerical majority provide less than their fair share of roads; they get the convenience of highways just outside their areas, and did so formerly at the expense of their

<sup>1</sup> Select Committee on Highway Acts, D’Aeth, QQ. 2385 sqq.

neighbours. The smaller parishes are found in the numerical majority, as might be expected, from the consideration that the smaller the parish, the greater the chance of its slipping through the network of highways spread over the district, and in this way escaping its responsibilities.<sup>1</sup>

The combination of these factors — the cost of the dis-turnpiked roads, the spreading of the rate over the district, the expense and inconvenience of the audit — led to this remarkably widespread movement, between 1878 and 1881, to dissolve the highway districts. The Local Government Board was thinking in terms of assimilating the highway authorities to the other local government bodies, when this new tendency came to put matters back where they were at the beginning of the century. The Select Committee of the House of Lords, which investigated the Highway Acts in 1881, decided that they must reject the parish as the authority, although 6000 parishes were still administering their own highways. It may be remarked that in this period the number of parishes administering their own highways went up from 5868 to 6567 (1879 to 1886), coinciding with the decline of highway districts from 346 to 308. It was not only that 788 of the poor law parishes had populations of less than 50, and 5000 of less than 300. Under the definition of a parish in the Highway Act of 1835, the highway parish was often smaller even than the poor law parish. Hamlets and villis were still allowed to rank as parishes for highway purposes, if they had been administering their own highways when the 1835 Act was passed. Thus Shropshire had 224 poor law parishes and 740 highway parishes. A part of a Cumberland union with 36 poor law parishes had 66 highway parishes covering the same area. Further, while admitting that the parish surveyor might have a more stringent urge to economy than the surveyor of the highway district, the Select Committee felt that parochial administration often resulted in the maintenance of roads being kept purposely imperfect, as cheapness rather than durability was the objective sought in obtaining the materials; and that it would prove more economical in the end to spend more on them. The parish officers were untrained and often careless and, being changed annually, could have no continuity of experience.<sup>2</sup>

Yet, assuming the parish to be excluded, it was not easy to decide

<sup>1</sup> Ibid., Newton, Q. 3723.

<sup>2</sup> Ibid., Report, para. 44.

whether the rural sanitary authority should take over the highway work or vice versa. The standpoint of the Local Government Board was clear. They were backing the rural sanitary authority; they wished to make this area — based on the union — the authority for all rural purposes, just as the boroughs and local boards were the urban authorities for both sanitary and highway purposes. As the Permanent Secretary to the Local Government Board, Sir John Lambert, observed, they would be able by this step to clear away 308 highway districts and over 6000 highway parishes, and this had been the policy of the Local Government Board ever since the 1878 Act.<sup>1</sup> It was natural that they should prefer the sanitary and union areas, for which they were responsible, rather than the highway or petty sessional areas, for which they had to rely on the Justices of the Peace. But there was a considerable body of opinion in favour of using the highway district — often based on the petty sessional division — as the general area. First, they were all in the county, and the problem of the overlapping of county boundaries would not arise. Secondly, it was agreed that the petty sessional division had been arranged to meet local magisterial convenience and could be easily changed by Quarter Sessions if desired.

It was also pointed out that to make the sanitary authorities the highway authorities, rather than the other way about, was to put things in the wrong order. The expenditure of the rural sanitary authorities was consistently less than that of the highway authorities for the same areas. To take an example from Hampshire, where many of the rural sanitary authorities had become highway authorities and comparison is possible, the annual expenditure of one such authority on highway purposes was £82, but on sanitary functions £2 15s.; other cases showed £77 to £2 12s.; £50 to £1 14s.<sup>2</sup> It had been one of the main advantages urged in favour of the consolidation of sanitary and highway authorities that the same man could do the duties of both highway surveyor and inspector of nuisances, as the sanitary inspector was then called. In the light of modern experience, this represents a dangerous and false economy, and the need for dividing the two offices has been one of the strongest points against the very small authorities in the twentieth century. But this was the sort of argument that appealed to the 'economical' politicians of the

<sup>1</sup> Select Committee on Highway Acts, Minutes of Evidence, Lambert, Q. 80.

<sup>2</sup> Ibid., Fitzmaurice, Q. 4118.

late nineteenth century; yet if the two authorities were combined, as in Hampshire, and the same man did both tasks, then the bulk of his work and of his salary would come from his highway, and not from his sanitary, functions. For example, a Hampshire farmer was employed by one sanitary authority as highway surveyor at £120 per annum and inspector of nuisances at £20.<sup>1</sup> It therefore seemed illogical to make the sanitary authority swallow the highway authority rather than the reverse. Of course, if the highway authority absorbed the sanitary authority, then there would still be left two sets of local authorities — the new highway-cum-sanitary authority and the board of guardians, shorn of the rural sanitary functions it acquired in 1872. But it was claimed that this would be a positive advantage, as the boards of guardians were already overburdened with work, and had in fact resented, rather than welcomed, the sanitary work they had been given in respect of the rural areas. The evidence on this point seems so conflicting that one can only conclude that it varied with the individual boards of guardians. Thus, for instance, the guardians in Surrey (Bell, Q. 548), Kent (D'Aeth, Q. 2339), Devon (Earl of Portsmouth, QQ. 6229 sqq.) and elsewhere found the sanitary duties unwelcome enough, let alone the prospect of highway functions. On the other hand, contrary cases were cited of guardians perfectly satisfied and eager for more work (Fitzmaurice, Q. 3668; Lear, Q. 6655). It was also pointed out that it would prove unwise in the future to leave the guardians with only the poor law, as it was 'a melancholy duty and not at all attractive' and the poor law guardians would degenerate into an 'inferior body of men' (Fitzmaurice, Q. 4120). On the other hand, to give the guardians other functions as well as the poor law administration 'conduces to a better attendance and better administration generally, because I think the guardians have greater interest in the present business, which is of a more important character, than they had when it was to a great extent subdivided' — a summary of the advantage of a compendious authority (Lear, loc. cit.).

One item in favour of an *ad hoc* body for highway administration was that it did make it possible to proportion the area of the highway district to the mileage of road which one surveyor could maintain. This of course was frequently not done, and complaints of districts being too large or too small were often heard. In one case — Retford

<sup>1</sup> Ibid., Moss, Q. 2512.

Highway District in Nottinghamshire — the board were so dissatisfied with the task of coping with their exceedingly large area that they went on strike and refused to meet.<sup>1</sup> A mileage of 150 as the most a surveyor could look after was suggested as a result of Warwickshire experience.<sup>2</sup> On the other hand, when the rural sanitary authority was taken as the highway authority in a thickly populated area, it would be too small. The densely inhabited industrial areas had unions small in area to start with, and when the numerous urban districts were removed, the rural sanitary area left would be small and scattered, with not enough mileage of road to employ a surveyor. For instance, Gateshead and South Shields Highway District contained three entire rural sanitary areas, and even then had only seventy-five miles of road.<sup>3</sup>

Between these two standpoints — that of the Local Government Board, who wanted to assimilate everything to the sanitary area, and that of the protagonists of the highway district and petty sessional division area — it is possible to find an interesting appreciation of the situation by Fitzmaurice. He told the 1881 Committee that twelve years previously he would have said that the highway district should be the area; but in the meantime so much work had been put upon the sanitary area,<sup>4</sup> and the whole structure seemed so committed to it, that even with its imperfections, the consolidation of local government functions must now be based upon it.<sup>5</sup> The Select Committee, after considering all the arguments, could not come to a clear-cut decision. They recommended that parishes must be grouped for the purposes of road management, and 'the areas should be adjusted in extent so as to be sufficiently large to pay for the services of a competent surveyor and, at the same time, not be so large as to prevent his effective supervision of the district entrusted to him'. (Report, para. 217.) But 'whether the area, where this grouping should be effected, should be the rural sanitary district or the petty sessional division, or whether the grouping should be irrespective of any existing administrative area, the Committee recommend for the present should be optional on the county authority'. (Para. 219.)

<sup>1</sup> Select Committee on Highway Acts, Belper, Q. 2220.

<sup>2</sup> Ibid., Wilson, Q. 1753.

<sup>3</sup> Ibid., Browett, QQ. 3950-6.

<sup>4</sup> Public Health Acts of 1872 and 1875; School Attendance Committees, in areas without School Board, under 1876 Elementary Education Act; Provisions of 1878 Highways Act.

<sup>5</sup> 1881 Report, Fitzmaurice, Q. 4118.



Thus the matter remained, but the Local Government Board secured its way eventually. The District Councils Clauses of the 1888 Act, made the rural district — the old rural sanitary district — the highway authority, and these clauses were actually passed in the 1894 Act. In the future, however, the rural district, which had gained its road powers from the parish, was to lose them in its turn to the county, beginning with the provision in the 1888 Act which transferred all main roads to the responsibility of the newly established county councils.

## CHAPTER IV

### THE SHAPING OF THE NEW STRUCTURE: 1880-94

#### A. *The Origin of County Councils*

THE Act of 1872 provided the framework on which the lower range of authorities could be reorganized; the Municipal Corporations Act of 1882 reorganized and consolidated the constitution of the boroughs on this basis. The District Councils Clauses, which were first introduced into the Act of 1888 and then dropped from it, but passed in 1894, did the same for the other urban and rural authorities. But, unlike Goschen's Bill of 1871, the Act of 1872 did not touch the larger areas of administration, and it did not claim to fit together all the elements of local government into an integrated whole. It is therefore necessary to turn to the various schemes, which had already long been in the field for the reform of county government, and also to some of the wider projects for a new structure of local government.

The story of the attempts to provide the counties with a new form of local government goes back to the period of the great reforms of the 1830's. The same circles which had been instrumental in reforming the municipal corporation in 1835 and the poor law in 1834 were not heedless of the need to moderate, or even to replace, the complete control which the Justices had in the administration of the counties. The particular complaint which drew the attention of reformers to this problem was a financial one. During the previous half century county rates had heavily increased and it was natural to demand that the ratepayers, from whom these increasing sums were drawn, should have some say in their expenditure. A Royal Commission, a Committee of the House of Commons and a Committee of the House of Lords all sat upon this problem.<sup>1</sup> The Royal Commission surveyed this problem from 1834 to 1836. Its members were H. J. Stephen, T. L. Hodges, C. Shaw-Lefevre and Fortunatus Dwarries; they found that the total of county rates collected in the year ended March 25th, 1833, had reached what was then considered the

<sup>1</sup> Royal Commission on County Rates and Expenditure (1836); Select Committee of the House of Commons on the Receipt and Expenditure of County Rates, 1834; Select Committee of the House of Lords on Charges of the County Rates (1834-35).

considerable total of £757,238, though this was less than a tenth of the total of local rates during that period — £8,606,501.<sup>1</sup> Various suggestions for reducing expenditure were submitted to the Commission, but the most remarkable testimony was that of Joseph Hume, then Radical M.P. for Middlesex. He suggested that each county should have a board of twelve or twenty persons, elected by the ratepayers in single member constituencies.<sup>2</sup> This board would be responsible for the complete financial administration of the county. Hume was undoubtedly influenced by the development of departmental and provincial assemblies on the Continent. He quoted in evidence the Belgian 'Projet d'organisation provinciale' of June 26th, 1834, and the French 'Loi sur l'organisation des conseils-généraux de département' of June 22nd, 1833.<sup>3</sup> Hume's board would be renewed at annual intervals by the retirement of a third or a quarter of its members, and would have an executive committee of four or five members to carry out its directions. This evidently followed the lines of the continental parallel, since a similar 'députation permanente' acted as the executive for the Belgian provincial assemblies when the main body was not in session, and there are now similar devices in France and the Netherlands. The Royal Commission received a more moderate proposal from Sir C. E. Smith, who suggested that a 'County Financial Board' should be formed, partly of magistrates and partly of elected representatives of the ratepayers.<sup>4</sup> This latter proposal was in accord with the principle introduced in 1834 for the boards of guardians which were composed of elected representatives but had all the local justices as *ex officio* members. This less advanced proposal secured the support of the Royal Commission and they recommended it in their report though they recognized that it was for 'the decision of the legislature whether a *County Council* cannot be in this manner conveniently formed to regulate the imposition of the local charges'.<sup>5</sup> This is perhaps the first official use of the phrase 'County Council', the term 'County Board' being commonly used in the schemes before 1888.

On June 21st, 1836, Hume introduced a Bill (No. 508 of 1836) —

<sup>1</sup> Select Committee H. of C. on County Rates and Expenditure (P.P. 1834, XIV), p. vi.

<sup>2</sup> Royal Commission on County Rates and Expenditure: Report (P.P. 1836, XXVII), Appendix A. Hume, QQ. 859-63.

<sup>3</sup> *Ibid.*, Appendix A, p. 9\*.

<sup>4</sup> *Ibid.*, Sir C. E. Smith, Q. 461.

<sup>5</sup> Royal Commission Report, p. 51.

'to establish a Council and Auditors for every County in England and Wales'. Its objects were 'to separate the judicial from the financial affairs of the counties and to authorize the ratepayers of the county to elect a certain number of representatives to form a county board for the levying and administration of rates, and to perform those duties having reference to the financial expenditure of the counties now executed by the magistrates in Quarter Sessions'. Hume's object was to give 'the ratepayers of the counties the same control and power over the municipal taxes as is possessed by the inhabitants of the corporation towns and cities'. He complained of the unfairness and anomalies of many of the assessments made by the justices, a problem which the Select Committees of the Commons and the Lords had investigated; it appeared that the haphazard methods of the justices resulted in considerable under-assessment, where the property of the landed classes was concerned. The representatives of the ratepayers, who would presumably be members of the same class as the elected guardians to whom the new poor law had just been entrusted, would introduce order and method into the assessment, and have a direct interest in keeping the rates low and seeing that the money was carefully spent. The Radicals were particularly anxious to put an end to many of the sinecures and anachronistic payments which the Select Committees' investigations showed to persist in the county administration. Hume's first attempt proved unsuccessful in the face of the opposition of the landed interest in the Commons, and he tried again in the following year (1837) introducing a similar Bill 'to establish councils for the better management of the county rates'. Failing again, he resumed the question in 1849, when he introduced another Bill with the same object. In the following year (1850), Milner Gibson introduced on Hume's behalf a Bill to establish county financial boards. This Bill was referred to a Select Committee of the House of Commons, and evidence presented to the Committee seemed to indicate that there was strong support for such a measure in the country as a whole. A meeting of a thoroughly representative character had been held on January 17th, 1849, attended by delegates of twenty out of the twenty-eight boards of guardians in Lancashire. After adopting a resolution complaining of the heavy increases in the rate and of uneconomical expenditure, a resolution was adopted 'that the irresponsible power of the magistrates to contract debts to any

amount, and charge them upon the ratepayers is a principle so unjust as to require forthwith the interference of the legislature in order that the ratepayers may obtain some control over the funds that are expended and that, in the opinion of this meeting this control could be obtained by the constitution of a County Financial and Administrative Board to be composed of magistrates and elected members from each Board of Guardians'.<sup>1</sup> Support for such a scheme was not only general in Lancashire<sup>2</sup> and other industrial areas, but even in agricultural counties like Suffolk, where the Lord Lieutenant testified to the very strong feeling and his own personal support for the measure.<sup>3</sup>

But the Select Committee reported as follows:

1. That the Quarter Sessions were conducting affairs with a due attention to economy.
2. If complaints had been made that expenditure was excessive, this was due only to the necessary cost of the introduction of a system of rural police or capital expenditure on the erection of necessary institutions such as gaols and asylums.
3. That there was no general desire for the measure.
4. That 'it would exclude a numerous body of gentlemen from the transaction of business in which they had an extensive interest as magistrates and proprietors'.
5. If the Boards were constituted, there would be serious risk of 'injury and impediment to the public service, without any equivalent advantage'.

Milner Gibson was unsuccessful in 1850 and he tried again in 1851 and 1852. Since there were several similar attempts later, it may be useful to summarize these and the preceding Bills in tabular form.

<i>Date</i>	<i>Name of Sponsor</i>	<i>Composition of Board Proposed</i>
1836 } 1837 }	Joseph Hume	Elected representatives of ratepayers.
1849	Joseph Hume	One-third of Board J.P.s; two-thirds elected guardians.
1850 } 1851 }	T. Milner Gibson	Half of Board representatives of Quarter Sessions; half ratepayers elected by Board of Guardians.
1852	T. Milner Gibson	Representatives of Guardians with £30 rating qualification.

<sup>1</sup> Report from Select Committee of the Commons on County Rates and Expenditure Bill (P.P. 1850, XIII); Roberts, QQ. 5 sqq.

<sup>2</sup> Ibid., Livesey, QQ. 2060-9.

<sup>3</sup> Ibid., Earl of Stradbroke, QQ. 2692-4.

Date	Name of Sponsor	Composition of Board Proposed
1860	Sir J. Trelawney	Each Board of Guardians to elect an <i>ex officio</i> and an elected member, both with £100 rating qualification.
1868	Mr. Wyld	Half elected members £50 rating qualification, to be chosen by Boards of Guardians; half J.P.s to be chosen by Quarter Sessions.
1869	Knatchbull-Hugessen	As above, but only one-fifth to be representatives of Guardians.
1871	Goschen (Govt. Measure). Rating and Local Govt. Bill	Half Justices; half Chairmen of Parish Boards – one per Petty Sessional Division – with £40 rating qualification.
1878	Sclater-Booth (Govt. Measure) County Govt. Bill	Guardians to choose two J.P.s and ratepayers with guardian rating qualification – for each Petty Sessional Division.

### B. County and Union Boundaries

These schemes, however, for the grant of representative government to the county and its establishment as the major local government unit presupposed considerable alteration of the local areas. The outstanding problem was of course the overlapping of the county boundaries by 181 out of the 650 unions – a feature that was the more inconvenient because since 1871 the Local Government Board had determined that the union areas should be the basis for rural sanitary administration. This overlapping had been adduced by Mr. J. J. Stansfeld, President of the Local Government Board, as a primary reason for the appointment of the Select Committee on Parish, Union and County Boundaries, when he moved that it be appointed on May 12th, 1873. But the attitude taken by the Local Government Board during this period, especially as manifested by the evidence submitted on its behalf to the Committee, was not quite consistent on this point. The fact was that so long as the county was not a primary unit of local government, related to the union in a common structure, and both concerned with the same range of functions, it was possible to overcome by various expedients many of the difficulties caused by the overlapping of areas. Thus, the Poor Law Amendment Act (7 & 8 Vict., c. 101) of 1844 provided that a Justice of the Peace, sitting as an *ex officio* member of a board of guardians, could act as a guardian for the whole union, even though only part of it might be in the county upon whose Commission of the Peace he was enrolled. It had also been feared that difficulties might arise when the board of a union which overlapped two counties had to initiate legal proceedings in local courts. The Poor



Law Amendment Act (30 & 31 Vict., c. 106) of 1867 allowed the board to go to any court exercising jurisdiction within part of their union. There was considerable support for leaving things as they were and trying to circumvent in this manner difficulties as they arose. Strong opposition was always aroused by any attempt to alter the county boundaries; on the other hand practical problems of great complexity would arise when it came to altering the boundaries of the union. They had been centred in market towns to meet the convenience of the population and the focal position of the workhouse made it awkward to alter the area of the union. Further, difficult financial questions would be involved, such as redistributing liability for the loan charges of the union and rearranging the settlements of paupers; the position under the Union Chargeability Act of 1865 would also be upset as this had made the existing union the unit responsible for meeting the cost of relief. On balance, less trouble might be expected if things were left as they were. Thus, Mr. W. Lumley, Q.C., the Solicitor and Assistant Secretary to the Local Government Board told the 1873 Committee: 'Unless new duties are put upon either unions or counties, I do not think it a great disadvantage that so many unions overlap counties.'<sup>1</sup>

It is true that in contradiction to this statement from Whitehall, the Local Government Board Inspector for Wales, Mr. A. Doyle, who had great practical experience of the problem, since nearly every Welsh union overlapped a county boundary, was emphatic in his evidence that the situation called for immediate treatment. He thought this could be done by splitting the unions along the county boundary. The new union would then become a union for outdoor relief only. He thought 4000 would be a fair minimum population for such a union and, as it would be unable to build and maintain a workhouse of its own, it should contract with the major part of the original union for the use of the original workhouse on contributory terms. As an example of how to form a 'contributory union' of this kind he gave the Chepstow Union with thirty-two parishes in Monmouthshire and eight in Gloucestershire. He would form the eight Gloucestershire parishes into a contributory union and let them use the Chepstow workhouse to grant indoor relief for their paupers on payment of an agreed cost per head to the new Chepstow Union. The original union would still continue virtually to exist for pur-

<sup>1</sup> 1873 Select Committee on Parish, etc., Boundaries, p. 27.

poses of indoor relief, for which a larger area was required than for outdoor relief. For the latter, a smaller union might be a positive advantage, as the smaller the unit which had to pay for outdoor relief the less likely would the guardians be to grant it extravagantly.<sup>1</sup> But the system of contributory unions would have the great advantage of allowing the union to be split along the county boundary when this was required for the purpose of providing indoor relief.

The creation of rural sanitary authorities by the 1872 Public Health Act made the overlapping of boundaries more serious, for the rural sanitary district followed the union boundaries and overlapped the counties in consequence. It meant that not only for poor law and registration purposes was there this confusion of area, but for sanitary matters also, and this made it impossible to use the counties for any health work.<sup>2</sup> But still the official attitude of the Local Government Board — under the six years' Presidency of Mr. G. Sclater-Booth<sup>3</sup> — was still to deplore the situation and leave things pretty well as they were. The Local Government Board was perhaps unduly impressed by the difficulty of altering the *status quo*. Sclater-Booth himself disclosed this in his evidence to the 1881 House of Lords Select Committee on the Highway Acts:

- Q. 342 (Earl Fortescue). In short, you find the union and county boundaries to be so frequently uncoterminous that you gave up as hopeless any idea of utilizing the county as an intermediate administrative authority between the central authority and the local administrative area, which you wished to adopt for all purposes, namely, the union? — Yes, I thought it had not gone so far, but that the county might be brought in for road management, but I think the time has gone by when the county can be brought in to supervise the poor law districts.
- Q. 343 Have you considered at all the practicability, by slight adjustment of county areas and larger adjustments of union areas, of rendering the county boundaries coterminous with some union boundaries? — I have given a great deal of consideration to that subject and, when I was young in office, I was sanguine enough to suppose that something might be done, but I find

<sup>1</sup> Lord Penrhyn pointed out that reducing the area liable to meet the cost of outdoor relief would not diminish it, as it was in fact generally cheaper than indoor relief (1873 Committee, p. 122).

<sup>2</sup> J. J. Stansfeld, House of Commons, 1872, 210, c. 882.

<sup>3</sup> He was President of the Local Government Board from 1874 till 1880 and later became first Viscount Basing.

that as a matter of fact counties are most diverse in size, in area and in every other circumstance you can conceive. They have no administrative propriety, whereas unions were originally set up with the sole intention of being convenient administrative areas, and, as time has gone on, and interests have grown up, and moneys have been expended, and centres of administration have thus become stereotyped, the importance of the union area is, in my opinion, far greater than the importance of the county area, and to make the union area bend and conform to the county area would not only be wrong from the administrative point of view, but would provoke the most vociferous indignation and complaint on the part of all classes; that is the result of my consideration of the subject. There are of course from time to time opportunities for making improvement, and of these I have freely availed myself, and I have no doubt that many of the most flagrant instances with which union and county are mixed up may in course of time be removed, but as for anything like a clean sweep, I believe it would be entirely impossible without something in the nature of a French Revolution.

The position with which the Local Government Board was faced was undoubtedly an awkward one. A House of Commons return of June 7th, 1878, showed that 181 unions overlapped county boundaries. 146 were in two counties, 32 in three counties and 3 in four counties. There were 97 Quarter Sessions boroughs and their boundaries were overlapped by 132 unions. Of the boroughs with their own petty sessions, 32 were overlapped by 34 unions. Out of a total of 650 unions only 343 were wholly in one county and did not apparently cut the boundaries of any Quarter Sessions borough or borough with petty sessions. In only eight cases (Brighton, Bury St. Edmunds, Cambridge, Colchester, Devonport, Gravesend, Leicester, Norwich) were union and borough coextensive. If this prospect dismayed the Local Government Board it did not deter a group of M.P.s, mainly Radicals, who had made the problem of local government their special study, and were determined upon its reform. In particular, they concentrated upon the problem of the union and county overlapping, and the establishment of a simple and uniform structure of areas and authority. The prominent members of the group were Lord Edmond Fitzmaurice, Mr. Albert Pell, Mr. Rathbone, Mr. Clare Read, Mr. James Howard Yorke and Mr. Albert

Gray. They criticized the slowness with which the Local Government Board handled the problem, and were deeply concerned that the consolidation of authorities and the simplification of areas should be treated as a matter of the utmost importance. 'I have not found any great anxiety, in fact not so great an anxiety as I could wish, on the part of the Local Government Board to carry out what I may call the consolidation policy. I have a great respect for the permanent officials there, but I am afraid that they look upon the views of gentlemen like Mr. Pell and myself and others in the House of Commons as far-reaching views, and views which cannot be carried out. They are no doubt moving slowly in that direction, but I do not think that anyone can accuse them of rashness.'<sup>1</sup>

An examination of the schemes for the reform of local government areas put forward by some of the persons mentioned above, and by others, which were current during the period 1880-88, shows that they had in common certain main features:<sup>2</sup>

1. There should be a simple hierarchy of compendious authorities, dealing with all local government functions. 'The local administration needs two and only two, kinds of area, a small and a large. The large area should be an exact multiple of the small area and each ought to be best suited to the work to be done in it. In the small area, as in the large, there should be but one local authority, one valuation, one rate, one debt, one consolidated fund, one simple, coherent, powerful administration of all local affairs whatever.'<sup>3</sup> All functions would be dealt with by the same set of authorities — poor law, highway, sanitary administration, education. This would involve the disappearance of *ad hoc* bodies, like highway districts, school boards, poor law guardians, burial boards, and inspectors under the Lighting and Watching Act. The two levels would be the county and the district — the latter being represented by the town council or local board in urban areas, and a rural district council in rural areas. A committee system would be

<sup>1</sup> 1881 Select Committee on Highway Acts, Fitzmaurice, Q. 3662.

<sup>2</sup> See especially W. Rathbone, Albert Pell, F. C. Montague, *Local Administration* (1885); R. S. Wright and H. Hobhouse, *An Outline of Local Government and Local Taxation* (1884); Part III, 'Considerations with a view to Amendment of Local Government'; *The Radical Programme* (1885); *A Scheme of County Administration*, by a Magistrate (1869); 'Proposals for the Reform of Local Government', by a Special Correspondent in *The Times*, October 14th, 1885.

<sup>3</sup> W. Rathbone, Albert Pell, F. C. Montague, *Local Administration* (1885), p. 101.

introduced generally in order to enable the authorities to carry out their diverse functions. As a rule the parish was regarded as being too small to be a really important unit of local administration, but it was agreed that parochial boundaries must be tidied up, and the parish could be given certain of the minor functions. Thus this attitude is rather different from that among the Liberal M.P.s who were to put up a strong fight for the parish during the debates on the Local Government Act of 1888 and 1894. The latter could look back to Goschen's Bill of 1871 and they were to find another champion in Sir Charles Dilke who, as President of the Local Government Board in 1883, proposed what was in fact the first draft of the 1888 Act. Thus, writing in 1882 in the volume of essays on local government published by the Cobden Club, the Hon. G. C. Brodrick held that the parish should be equipped with a local board and a 'civil head' (possibly retaining the title of overseer) to deal with the rating and valuation work then carried out by the overseer and with the functions of lighting and watching and highway administration.<sup>1</sup> This school of thought was led in the 1888 debates by F. S. Stevenson, Liberal Member for Eye, and its tendencies were reflected in the Act of 1894, popularly known for this reason as the Parish Councils' Act.

2. The county was to have a representative body, possibly of directly elected representatives, possibly of mixed composition — partly elected, partly *ex officio*. It would carry out all the non-judicial functions then in the hands of Quarter Sessions and would also act as a supervising body for the district councils. Some idea of the 'intermediate' authority, suggested by Lord Robert Montague a decade earlier, persisted, and it might have various powers devolved upon it by Parliament. Lord Edmond Fitzmaurice supposed that it might have the Lord Lieutenant and Members of Parliament for the county as *ex officio* members, and that the Chairman of the County Board should also be High Sheriff — a combination of tradition and innovation.<sup>2</sup>
3. In urban areas the existing town councils and local boards of

<sup>1</sup> *Local Government and Local Taxation*, pp. 70 sqq. (1887).

<sup>2</sup> *Op. cit.* (p. 113), 'Areas of Rural Government'.

health were to be the nuclei of the new authorities. Fitzmaurice had been a member of the 1878 Select Committee on the Election of Poor Law Guardians, and this Committee had recommended that the urban and rural sanitary authorities should take over the duties of burial boards, highway boards, lighting and watching inspectors, and even perhaps guardians and school boards.<sup>1</sup> The urban authorities already exercised highway powers within their areas under the Public Health Act of 1848, and it seemed feasible to authorize them to take over the functions of *ad hoc* bodies in their area; this would be done by the introduction of a committee system. Already in 1873, speaking from experience on the Tyneside (a curious anticipation of 1937) Mr. T. F. Hedley had suggested that one compendious authority could be set up in each urban area to deal with police, finance, highway and sanitary purposes, acting through specialized committees. He told this to the 1873 Committee on Parish, Union and County Boundaries, but Sir Michael Hicks-Beach, who was a member of that Committee, thought the proposal 'revolutionary'.<sup>2</sup> When Mr. G. F. Henley, who had great experience in the local government of Eastbourne, made a similar proposal to the 1878 Committee, it met with a more favourable reception as Fitzmaurice, Pell and Gray were all members. It was pointed out that there was already considerable overlapping between members of different local bodies acting for the same area. For instance, in Eastbourne three Boards were elected — a Local Board of Health, a Burial Board and a Board of Guardians. Of the nine members of the Burial Board, eight were on the Local Board of Health, and of the eleven Eastbourne members of the Board of Guardians, all had been on the Local Board of Health and nine were still members of it. What was needed was a common electoral system for all these types of board, though the witness did not want to bring the school boards in. He made the point that if all the functions were dealt with by the same body, it would save the confusion and cost of the many bodies and make the work more interest-

<sup>1</sup> Select Committee on the Election of Poor Law Guardians (1878). Report, pp. v-vii.

<sup>2</sup> Select Committee on Parish, etc., Boundaries (1873), pp. 145 sqq.



ing and attractive.<sup>1</sup> A member of the Committee asked this witness:

- Q. 961 You would elect a Board . . . and you would appoint from that Board, say an Education Committee? — Yes, that is just the way in which I would work the idea.

This was one of the origins of the committee system for compendious authorities, so marked a characteristic of local government in England today. The 1878 Committee did give emphatic support in its report to the idea of an all-purpose authority. 'This multiplicity of boards was commented upon by many authorities before us, as productive of much waste of time, confusion and expense; confusion to the voters electing the board, and expense in multiplying elections and officers. Your Committee fully concur in this opinion . . . Among the witnesses examined there was a remarkable agreement that the existing local election machinery in England required simplification and improvement . . . It has been stated to your Committee that some of the most capable are often deterred by the existing confusion of local government from taking their share in local administration.'<sup>2</sup> Thus in urban areas the idea was to vest all local powers of the town councils and local boards so that 'in any place there would be one and the same simple area for all purposes of local government and in this area one, and only one, authority — the council in a borough and the local board in every other urban district — which would unite in itself all the powers and duties now vested in the overseers, guardians, sanitary authority, burial, highway and school boards, etc.'<sup>3</sup>

4. In the rural areas there was no authority so readily available for use as a nucleus, like the town council or local board in urban areas. Fitzmaurice and his associates reconciled themselves to the use of the rural sanitary area, though it would have to be modified by bringing it entirely within one county and also by some sort of adjustment to equate it with the petty sessional and highway district area, rather on the lines that Fitzmaurice had himself secured in Wiltshire and had been

<sup>1</sup> Select Committee on Election of Poor Law Guardians (1878), QQ. 790 sqq.

<sup>2</sup> *Ibid.*, Report, pp. v-vii. <sup>3</sup> Rathbone, Pell and Montague, *op. cit.*, p. 106.

done in the 'sixties in Hampshire. Fitzmaurice indeed on more than one occasion lamented the disappearance from practical use of the old hundred area, which he thought might have been used as a uniform rural unit, and one which had a traditional significance and a real meaning in the minds of the ordinary countryman. 'The loss of the hundred was a great misfortune . . . old people could still tell you the boundaries of every hundred.'<sup>1</sup> And he thought the Poor Law Commissioners of 1835 should have used the hundred as the basis for their unions instead of 'hacking and hewing at the counties all over the place'.<sup>2</sup> These new rural districts would have the same rank as the urban authorities; they would carry out poor law, sanitary and highway functions, and those of the school board and burial board could also be conferred upon them to make each a complete 'rural municipality'.<sup>3</sup> Thus it would be possible to get a single area instead of the separate areas now used for rural sanitary districts, lieutenancy divisions, petty sessional divisions, and even coroners' districts, and county court registries.

5. With regard to the large towns, it was agreed that they must have autonomy and be given the powers of county boards. At that time, exemption from the county rates depended upon the possession of Quarter Sessions, and it was clear that in a logical scheme it ought to depend upon size. On the population level that ought to justify such autonomy there was a divergence of opinion, but this feature was not at this stage in the forefront of discussion. The Act of 1888 was suddenly to bring it out and give it crucial importance. In their book Rathbone, Pell and Montague recognized that the town council in every town of 100,000 inhabitants and upwards should be given 'the rank and power of a county board' and they estimated that this would cover about twenty towns. On the other hand, however, Fitzmaurice himself, commenting upon a suggestion by the Hon. W. Egerton, that Quarter Sessions boroughs should be made to contribute to the county rate, at least for highway purposes, took the opposite view. He felt that towns should either be completely in the county

<sup>1</sup> Select Committee on Highway Acts, 1881, Q. 4142.

<sup>2</sup> Ibid., Q. 4143.

<sup>3</sup> Ibid., Q. 4118; see also *Local Government and Local Taxation*, p. 132.

or completely out, and felt that in fact the alternative of cutting them out was by far the more practical. But his conception of a large town seems to have been exceptionally generous. After commenting that it seemed absurd that the small boroughs of Devizes and Salisbury should be exempt from county rate and rule because they happened to have been granted Quarter Sessions in the past, whilst Swindon and Trowbridge, which were far larger, should not enjoy this privilege, he declared himself in favour of cutting the latter two towns out of the Wiltshire county administration; yet at that time Swindon had 20,000 and Trowbridge 16,000 inhabitants.<sup>1</sup> The original draft of the 1888 Act — prepared by the Gladstone Government, and for which Fitzmaurice was partly responsible — put the lower limit for county borough status at 20,000.

This general approach to local government reconstruction, which is similar in general form to that put into effect by the Acts of 1888 and 1894, deserves a brief criticism. Firstly, it seems to have given insufficient consideration to the whole problem of county borough status, which was later to affect materially the whole development of county administration. Secondly, its firm division between urban and rural authority at district level, though it gave them similar powers, produced a marked cleavage between two types of area, which should have been complementary. Thus the urban class of districts took in each case the nuclei of the poor law unions, and the rural districts took the residue. Perhaps too much stress was laid upon the incompatibility of interest between urban and rural areas. 'No readjustment of boundaries can be satisfactory which ignores the manifold and increasing differences between urban and rural districts. Whatever areas be adopted, they must not be so designed as to force straggling villages into a Mezentian union with populous towns.'<sup>2</sup> It was perhaps an over-emphasis of this viewpoint that resulted in the clear-cut distinction between urban and rural districts which complicated administration and planning in the succeeding century. Thirdly, the process of bringing the poor law union within the county and of removing from it the urban areas fundamentally altered its character from a compact unit of town and country into a

<sup>1</sup> Select Committee on Highway Acts (1881), Q. 3712.

<sup>2</sup> G. C. Brodrick in *Local Government and Taxation*, p. 62.

mere rural remnant or collection even of geographically separated fragments. Fitzmaurice's admiration for the hundred was not presumably to be taken too literally as the hundred areas were often extremely ragged and contained many detached and intermingled portions, besides often bearing no relation to contemporary groupings of social or economic life. Still, the plan evolved by this group compared favourably with the structure set up by the 1888 and 1894 Acts in that it would have drawn up its new areas by a process of careful investigation and delicate adjustment; it would also have secured a uniformity in local administrative and judicial areas which has not even yet been achieved. Of course, Fitzmaurice himself was partly responsible for the Act of 1888, as while Dilke was at the Local Government Board, Fitzmaurice, then Foreign Under-Secretary, was actually engaged on the drafting of the local government scheme of legislation; Dilke, who had been Fitzmaurice's predecessor as Under-Secretary, was the while often engaged in helping his old chief, the Foreign Secretary, Lord Granville. 'It might be said', as Dilke put it, 'that Fitzmaurice was doing my work and I was doing his . . . As regards the detail of my Bill, I turned the matter over to Fitzmaurice.'<sup>1</sup> The comprehensiveness of the Bill prepared by the Liberal Government with its scheme for compendious authorities, administering all services, bore the mark of Lord Edmond Fitzmaurice.

But, during the Conservative administration of 1874-80, when Sclater-Booth was at the Local Government Board, the zeal of the reformers could only be expressed through unofficial channels. They realized, however, that before the comprehensive reform of structure could be carried out, the boundaries had to be altered, particularly to bring the poor law union within the county. Here they could take up the suggestion made to the 1873 Committee by Dr. William Farr, head of the Registrar-General's Statistical Department. He urged that 'there should be a Commission appointed by Her Majesty's Government, consisting of the best men that can be got, who should represent the different interests in the country, and who should, with the ordnance map before them, and after local inquiry, submit a plan to H.M. Government, who would frame a well-devised measure for submission to Parliament'.<sup>2</sup> On February

<sup>1</sup> Gwynne and Tuckwell, *Life of Sir Charles Dilke*, I, p. 514.

<sup>2</sup> Select Committee on Parish, etc., Boundaries (1873), p. 73.

16th, 1880, a private member's Bill was introduced in the House of Commons by Lord Edmond Fitzmaurice, Albert Pell, Clare Read and Backhouse; it was entitled the Local Government Areas (Commission) Bill, and its object was 'to appoint a Commission for the alteration of the areas of local government in certain places and for the rearrangement of boundaries therein'. The Commissioners were to examine each case on the spot and were to take full account of local knowledge and interests in framing their proposals. These would be so designed as to ensure that:

- '(a) No poor law parish or union shall extend over the boundary of any county.
- (b) No poor law parish be divided into isolated parts.
- (c) No poor law parish shall be too small or too great or having part or parts thereof so situate as to render the administration of relief to the poor in, or the local government of, such parish, or part, or parts thereof, in the opinion of the Commissioners, inconvenient.
- (d) Every highway parish shall be coincident in area with a poor law parish.
- (e) Every highway district shall be coincident in area with some rural sanitary district.'

Unfortunately for the Bill, the General Election of 1880 supervened and, after the new Parliament met on April 29th, it had to be reintroduced. It was read again on May 21st, with Pell, Lord Edmond Fitzmaurice, Yorke and Randall as sponsors. But it had to be dropped on July 27th owing to pressure of other Parliamentary business. The group tried again next year and on January 19th, 1881, the Local Government Boundaries Bill had its first reading, its object being to appoint a Commission 'for the alteration of the areas of local government in certain cases and for the rearrangement of boundaries'; this too had to be dropped. Again in 1882 the Local Government Boundaries Bill was brought in by Fitzmaurice, Pell and Howard Yorke, with a first reading on February 13th, but once more it got no further. In 1883 sixty-eight Members of Parliament signed a memorial stressing 'the primary necessity of dealing in some effectual manner with the confusion and expense caused by the divided, overlapping and conflicting areas of local and county

<sup>1</sup> Clause 11 of the Local Government Areas (Commission) Bill of 1880.

administration; and that this should be done by calling on the local and county authorities to frame draft schemes within a certain period, with the above object, subject to revision and confirmation by the Local Government Board with power to the Local Government Board to frame schemes itself in the cases where no draft scheme shall have been presented to it'. In reply to a question about this by Gray, the Parliamentary Secretary of the Local Government Board (J. T. Hibbert) replied that it would be borne in mind, and that if the Government could not introduce a Local Government Bill that Session, they would consider introducing a Bill to give the powers desired to county authorities. The Local Government Bill, which was to be passed in 1888, was being drafted at this time. The introduction of a Local Government Areas Bill, now almost an annual performance, was handled by Gray, Pell and Yorke in 1883, with a first reading on April 25th. It too was dropped and the subject was somewhat obscured by the turmoil of the Irish Home Rule question. When, however, the Salisbury Government had decided on the introduction of the 1888 Local Government Act, they realized that some sort of preliminary Boundary Commission was necessary. The Local Government Boundaries Bill produced was much more limited in scope than the unofficial Bills, but because it was sponsored on behalf of the Government by C. T. Ritchie (President of the Local Government Board) it, unlike them, became law. Its object was restricted to the cases of the overlapping of counties by unions, and the few cases where a borough and an urban sanitary district were not coterminous.

On July 15th, 1887, there was read for the first time the Local Government Boundaries Bill, which appointed commissioners to inquire 'with regard to each county in England and Wales

1. as to the best mode of so adjusting the boundaries of the county and of other areas of local government, as to arrange that no union, borough, sanitary district or parish shall be situated in more than one county,
2. as to the best mode of dealing with parts of a county, which are wholly, or nearly, detached from the county,
3. as to the best mode of dealing with the cases where a borough is not an urban sanitary district, and is wholly, or partly, comprised in an urban sanitary district,



4. as to any alteration of boundaries, combination of areas or administrative arrangement, incidental to, or consequential upon any alteration, which they may recommend in the boundaries of any county, union, borough, sanitary district or parish.'

The President of the Local Government Board emphasized that it was 'impossible to settle any scheme without first dealing with the question of overlapping areas. It is quite impossible to set up a representative county assembly without getting the rating areas within the county boundary. Therefore it is essential that unions and sanitary areas shall be brought within the county, whatever the system of county government shall be, so long as it is representative'.<sup>1</sup>

The Commissioners were Earl Brownlow, Lord Edmond Fitzmaurice, Lord Basing,<sup>2</sup> Sir Henry Selwyn Ibbetson and Mr. J. T. Hibbert. They appointed six Assistant Commissioners with Major-General Sir Robert Owen-Jones of the Ordnance Survey as the Chief Assistant Commissioner. The Assistant Commissioners made preliminary local investigations and collected information. On the basis of this, the Commission prepared preliminary schemes which were circulated to all local authorities concerned and publicized in the locality. A local inquiry was then held in each district, and its findings were taken into account by the Commissioners, who then drew up their final scheme. The report was published in 1888, but after the Local Government Act had passed Parliament. There were 195 schemes, 181 dealing with overlapping areas, 13 with boroughs not coterminous with urban sanitary districts and one to include the Liberty of Havering in Essex. The schemes generally state in each case the opinion of the guardians and Quarter Sessions concerned, and the wishes (so far as ascertainable) of the inhabitants of areas affected.

In the cases of Banbury, Blandford, Calne, Chippenham, Faversham, Folkestone, Launceston, Lyme Regis, Lymington and St. Ives (Hunts), the Borough boundaries were extended to those of the Urban Sanitary District; the Urban Sanitary District of Wenlock was very extensive and in this case it was reduced to the slightly modified area of the Borough; in the cases of Morpeth and Oxford

<sup>1</sup> Ritchie, H. of C. Speech on Second Reading of Local Government Boundaries Bill, August 29th, 1887 - Hansard, Third Series, 320, c. 419.

<sup>2</sup> Formerly G. Sclater-Booth.

compromise adjustments were made to equate the two areas. The opportunity was also taken to bring the following boroughs, which overlapped two counties, wholly within one county: Bristol (Glos.), Oxford (Oxon.), Stalybridge (Cheshire), Stamford (Rutland), Stockport (Cheshire), Sudbury (Suffolk), Tamworth (Staffs.), Thetford (Norfolk), Warrington (Cheshire), Cardigan (Cardigan), Gt. Yarmouth (Norfolk) and Burton (Staffs.).

The problem of unions that overlapped county boundaries was handled in three different ways, although one scheme often contained recommendations of all three types:

1. If the bulk of the parishes in a union were in one county and a few in another, the latter could be attached to a union in the same county. This was the commonest method and was comparatively simple. Still, the Commissioners were careful not to take this easiest course unless it was justifiable. An example (taken at random) is as follows: Bingham Union in Nottingham had two parishes in Leicestershire; Melton Mowbray Union in Leicestershire had one parish in Nottingham. The Commissioners recommended that these be exchanged. In addition Melton Mowbray gained seven Leicestershire parishes which were included in the Lincolnshire Union of Grantham.
2. Another method was the formation of a contributory union. Whenever the 1888 Commissioners had sufficient parishes to form a contributory union, they recommended one, doing so in forty-seven cases. For example, the Newport Union contained ten parishes in Shropshire and six in Staffordshire. The latter were to form the Gnosal Union, contributory to Newport 'with the use of its workhouse on such terms as the Local Government Board might prescribe'.
3. Although not eager to change the county boundary, the Commissioners recommended this when it was manifestly desirable. Such a case would occur when the parishes in question could not be transferred to another union in the same county without extreme inconvenience; in that case, they remained in the same union and changed their county. This led to the Commission's recommending that 267 complete parishes should change their county. In addition, to bring parishes

which were in two counties within the same county, forty-eight parts of parishes were transferred from one county to another. There were also a few cases (like that of St. Asaph Parish) in which the parish was split into two parts. This policy involved some notable solutions of difficulties, that are in fact still outstanding. The Commissioners recommended, for instance, that Newmarket and six other parishes should be transferred from West Suffolk to Cambridgeshire, and that Leighton Buzzard and five neighbouring parishes should go from Bedfordshire to Buckinghamshire.

Stamford and Peterborough were two very difficult cases, as they were both the obvious centres of unions, yet the areas overlapped five (Kesteven, Rutland, Northants, Huntingdon, the Soke of Peterborough) and four (the Soke, Huntingdon, Lincoln, Cambridgeshire) counties respectively. Besides, Peterborough itself was partly in Huntingdon and partly in the Soke, and Stamford partly in Kesteven and partly in the Soke. The Commission recommended that as most of Stamford Union was in Rutland, the Borough itself should be included in that County, and that the Lincolnshire parishes should form a contributory union. In the case of Peterborough, they obviated the major difficulty by recommending the amalgamation of the Soke (or Liberty, as it was then generally called) with the County of Huntingdon, as Northamptonshire, its proper county, had its centre too far away and did not want it back. In some few cases the Commissioners recommended the creation of completely new unions on grounds of general administrative convenience. Thus the major part of the Unions of York and Selby lay in the City of York and the West Riding, but they had fourteen and eight parishes respectively in the East Riding. It was proposed that these twenty-two parishes should be united to form an Ouse and Derwent Union, lying between the two rivers and almost coterminous with an existing petty sessional division of the same name. Similarly, the Commissioners proposed to recognize the geographical unit of the Isle of Axholme by forming a Union for it from eight parishes of Thorne, two of Goole and three of Gainsborough Unions. Since Goole and Thorne were mainly West Riding Unions, this also served the useful purpose of ridding them of their Lincolnshire parishes.

The Commissioners had been instructed to deal with detached

parts of counties. As one example of their handling of this type of problem may be cited their proposals for Maelor Hundred, the detached piece of Flint that is surrounded by Denbigh, Shropshire and Cheshire. It is at the nearest eight and a half and the furthest eighteen miles from the nearest part of the rest of the County, and contained no Welsh-speaking population. All of it was in the Shropshire Unions of Ellesmere and Whitchurch except for three parishes in the Denbigh Union of Wrexham. The district as a whole expressed a desire to join Shropshire, and (with certain small adjustments) the Commissioners assigned it to that County, with the exception of one parish (Threapwood) to Denbigh. On the other hand, Dudley Borough, which is a detached piece of Worcestershire in Staffordshire, was not included in the county by which it was geographically surrounded. The inhabitants of Dudley strongly objected to leaving Worcestershire, and those of the two Staffordshire parishes, which cut it off from the rest of Worcestershire, did not object to joining the latter County. This corridor therefore was to be added to Worcestershire.

A concluding example of considerable complexity, which shows in one case the several different measures adopted by the Commissioners is that of the Union of Burton-on-Trent. This Union contained 13 parishes in Staffordshire, 39 in Derbyshire, and the Parish of Foston and Scope, in 3 detached parts, which lay in both counties. In addition, the Borough of Burton-on-Trent itself was intersected by the county boundary. Though the greater part of the Union lay in Derbyshire, the greater part of the Borough was in Staffordshire. Accordingly the county boundary was to be altered to include the whole of the Borough in Staffordshire. This, with the other Staffordshire parishes, would form the new Burton Union, wholly in Staffordshire. Then 11 of the 38 Derbyshire parishes (one of the original 39 had gone across to Staffordshire as part of the Borough) were to be formed into the new Union of Sudbury, along with four Derbyshire parishes taken from the Staffordshire Union of Uttoxeter. These 15 parishes of the Sudbury Union were then made contributory to the Uttoxeter Union. The remaining 27 Derbyshire parishes of the old Burton Union were joined with 5 Derbyshire parishes taken from the Leicestershire Union of Ashby-de-la-Zouch, and together formed into a Union of Repton. This was to be contributory to the new Burton Union. Thus one Staffordshire and two Derbyshire

Unions were formed from the original Union. The Parish of Foston and Scope was broken into its three component detached parts and each individually annexed to a neighbouring parish. In arriving at their decisions, the Commissioners were most careful to take into account the expressed wishes of the inhabitants. Sometimes these brought to light points the casual student might not suspect. For instance, the Sussex Union of East Grinstead had one Surrey parish, Lingfield. The Surrey authorities suggested it should change its Union, the Sussex that it should change its County — a divergence of view that was frequently paralleled in similar circumstances. 'But the majority of ratepayers and inhabitants generally of the Parish of Lingfield would prefer a change of Union to a change of County. They allege that, were their Parish transferred to Sussex, the hops produced in Lingfield would no longer be marked Surrey hops, and would consequently be depreciated in value to the extent of about 10/- per cwt.' So the Parish was to be transferred to the Surrey Union of Godstone, which expressed its willingness to receive it.<sup>1</sup>

The Commission made two special recommendations, the amalgamation of the Counties of Denbigh and Flint, and Brecon and Radnor. This would save the alteration of union boundaries between them, and be conducive to general economy and efficiency of administration. Flint, for instance, was practically surrounded by Denbighshire; 'locomotion from place to place within the County (was) almost impossible'. The two counties had markets in common and the simplest way to travel, from, say, Wrexham to Denbigh was through Mold and most of the journey lay through Flintshire. Together, the two Counties formed the N. Wales coalfield, and this gave them an economic interest in common. A meeting of Flint Quarter Sessions voted for amalgamation on February 4th, 1888, though this was subsequently reversed on April 3rd, 1888. The Denbigh Quarter Sessions on March 13th, 1888, voted against amalgamation by thirteen to twelve, but 'several letters in favour of amalgamation were read from magistrates unable to be present'. The extremely small size of Brecon and Radnor, even when united, was an argument used in favour of their amalgamation. Control of the Wye valley would be made easier if placed under one administration, though in general the Commission favoured a river as an administrative boundary.

<sup>1</sup> Report of Commission, p. 381.

The report was not ready in time for the Act of 1888 and it was therefore not made the subject of legislation, but was to be brought to the attention of county councils as a guide to them in making proposals for boundary change.<sup>1</sup> In the meantime, the Bill applied by crude amputation that which the Commissioners had tried to do by delicate surgical operation. By Clause 51, urban sanitary districts were held each to be in the county in which the majority of each lay, and by Clause 54 the county council could recommend to the Local Government Board that any part of a union within one county, not comprised in an urban sanitary district, should be formed into a rural sanitary district. Thus the union would be arbitrarily split in each case along the line of the county boundary.

### C. *The Act of 1888*

In 1882 the Queen's Speech from the Throne promised a Bill to deal radically with the reform of local government. A preliminary draft of a Bill was prepared by Joseph Chamberlain, and this was taken over by Sir Charles Dilke when he became President of the Local Government Board.<sup>2</sup> In the task of drafting the measure Dilke was especially assisted by Lord Edmond Fitzmaurice, then Parliamentary Secretary to the Local Government Board. On July 25th, 1883, the draft was ready for circulation to the Cabinet. Dilke's scheme was a thorough-going one and earned this comment from Sir Henry Thring: 'I believe that the great superiority of your plan of local government over that of any other I have seen consists in its extent. I believe that you will find that your scheme though apparently far more extreme than any scheme yet proposed will practically not make a greater alteration in existing arrangements than a far less comprehensive scheme. It is, as far as I can see, impossible to make a partial plan for local government . . . your plan, when carried into effect will disturb most things, no doubt, but will, at the same time, settle everything.'<sup>3</sup> But, as Gladstone had decided that the question of the Parliamentary franchise was to have legislative priority, the local government proposals had to be held over for that session. They were considered during the winter of 1883-84 by a Government Committee under Dilke's chairmanship, comprising also Joseph

<sup>1</sup> Ritchie, H. of C., September 8th, 1888, and section 56 of the Act.

<sup>2</sup> Gwynne and Tuckwell, *Life of Sir Charles Dilke*, I, p. 514.

<sup>3</sup> *Ibid.*, I, p. 527.



Chamberlain, Lord Kimberley, Mr. Childers, Lord Carlingford, Mr. Dodson and Lord Edmond Fitzmaurice; they were assisted by Sir Henry Thring as Parliamentary draftsman, and Sir Hugh Owen, the Permanent Secretary of the Local Government Board. There was a cleavage of opinion in the Committee; Dodson and Carlingford were apparently in favour of small, piecemeal reforms; Joseph Chamberlain and Kimberley supported the broad lines of Dilke's proposal; Childers as Chancellor of the Exchequer was merely concerned with keeping down the costs which the new measure might cause. There was division also between the experts about the nature of the basic area; Owen naturally favoured the poor law union area, and Thring was strongly against it. As compared with the measure actually passed in 1888, the scheme agreed on by the Committee included the poor law, but not education, though Dilke was in favour of its inclusion. At first the proposal was to create boroughs with over 20,000 population county boroughs, but this limit was subsequently raised to over 100,000. A full description of the measure was given by Dilke in a speech at Halifax, published in *The Times* on October 13th, 1885, after the fall of the Government.

Unfortunately for the Liberal Government the scheme had to be pigeon-holed because of the more pressing calls of the general political situation, but it was resurrected by the succeeding Conservative Government. In 1886 C. T. Ritchie, the new President of the Local Government Board, started work once more on the same problem. He was able to use the material prepared by Dilke and his colleagues and the Bill which he introduced on March 19th, 1888, followed broadly the lines of Dilke's scheme though it was not so comprehensive in its scope. As introduced the Bill contained 162 Clauses of 4360 lines, including not only the county council provisions, but also a constitution for district councils and the Licensing Clauses which put licensing powers in the hands of the county councils. To enable this Bill to get through at all and to establish county government on a representative basis the controversial Licensing Clauses had to be dropped as well as those dealing with district councils. The latter, however, were introduced in substantially the same form by the succeeding Liberal Government in their Bill of 1893. The 1888 Bill, reduced to 126 Clauses, finally became law on August 4th, 1888.

The Government proposals of 1888 decided that the composition of the new county authority should be fully representative in charac-

ter. They adopted in this respect the general principle laid down for borough councils by the Municipal Corporations Act of 1882 which provided for the ratio of three councillors to one alderman, the aldermen being selected by the council. This meant a definite break with the great majority of the proposals and Bills for constituting county boards, which had been brought forward during the past century. These had envisaged some joint body of ratepayers' representatives and Justices. This principle was abandoned in 1888 except for the Standing Joint Committee to control the police. Further, previous schemes had generally provided some kind of indirect election for the ratepayers' representatives; under the 1888 Act the councillors were directly elected by single-member divisions. The municipal precedent was similarly followed for the franchise, and this must be regarded as a really progressive step, especially when compared with the rating qualifications required under previous schemes. There was, of course, some radical criticism that the franchise was not yet sufficiently wide, and Mr. Hobhouse in particular urged that the Parliamentary franchise should be adopted.<sup>1</sup>

The Bill was a comprehensive one especially as it originally contained the District Councils' Clauses that had subsequently to be passed as part of the Local Government Act of 1894. But it did not include education or the poor law. Indeed, one of the principal reasons against the inclusion of the latter question was the overlapping of the counties by 181 poor law unions. This fundamental area problem was recognized by Ritchie when he introduced the measure. 'It is one of the most difficult of all the very difficult problems connected with the reform of local government. It is not only the unions which overlap the county boundaries; 65 municipal boroughs and urban sanitary districts are also in more than one county.'<sup>2</sup> Ritchie had relied on the Boundary Commission set up in the previous year to provide the solution to this problem as it was specifically engaged upon recommending how in each case the county and union boundaries could be made coterminous. He had already stated in 1887 when supporting the Second Reading of the Bill for the establishment of the Commission that 'no scheme could be settled without first dealing with the problem of overlapping

<sup>1</sup> Parliamentary Debates, H. of C., Third Series, Vol. 324, c. 1124, April 12th, 1888.

<sup>2</sup> Ibid., Vol. 323, c. 1650, March 19th, 1888.

areas'.<sup>1</sup> And the 'representative county assembly' could not be set up until the rating areas (i.e. the unions) were brought within the county boundary. But his Bill was being read in March and the Boundary Commission was not expected to be ready till July. Any precipitate change had to be avoided but some temporary arrangement had to be made. He therefore had provided in the Bill, following a suggestion of the Boundary Commissioners, that each of the sixty-five municipal boroughs and urban sanitary districts should be held to be in the county in which the majority of its area lay (Clause 51), and that rural sanitary districts should be split along the line of the county boundary (Clause 41); the recommendations of the Boundary Commission would be referred to the county council set up by the Act, so that they could examine the recommendations and put them into effect (Clause 56).

The crux, however, of the area problem was to be found, as it proved, in another question — that of the relations between the larger towns and the counties. Previously Quarter Sessions boroughs had not contributed to the county rate, and there was thus a strong precedent for the autonomy of the larger towns.<sup>2</sup> Of course the possession of a separate court of Quarter Sessions was not necessarily based upon the criterion of population; of the 97 Quarter Sessions boroughs, 29 had less than 10,000 inhabitants at the Census of 1881. Previous schemes for setting up county boards had not been very explicit upon this question of autonomy for the larger towns. It was recognized that the principle of granting exemption from the county rate purely on the ground of possessing Quarter Sessions was anomalous, since the privilege did not correspond to the current importance of the town in question. This point was brought out by Rathbone, Pell and Montague who suggested that a population limit for exemption from the county rate should be adopted; the figure mentioned was 100,000. There were about twenty such towns and they should each have 'the rank and power of a county board'.<sup>3</sup> The view taken by Ritchie, as President of the Local Government Board, was more restricted. He thought it expedient to grant autonomous status only to the very largest towns. 'It is obvious that it would be most inadvisable to take out of the counties the representatives of all the large and

<sup>1</sup> *Ibid.*, Vol. 320, c. 419.

<sup>2</sup> If they had contributed before 1832, they had however to make a proportionate contribution to the main county expenses.

<sup>3</sup> *Local Administration* (1885), p. 106.

prosperous boroughs within their compass. But there are some boroughs so large and important that they point themselves out for removal.<sup>1</sup> He put the limit at 150,000, and this would make ten great boroughs county boroughs — Liverpool, Birmingham, Manchester, Leeds, Sheffield, Bristol, Bradford, Nottingham, Hull, Newcastle. The other boroughs were not slow to press their own claims. The first spokesman in the House was Mr. H. H. Fowler — Liberal Member for Wolverhampton, who was subsequently, as President of the Local Government Board, to introduce the next Local Government Act in 1893. He based his argument on fiscal grounds.<sup>2</sup> The Bill under discussion sought to recast the financial relations between the central Government and the local authorities. The idea was to reduce the amount of the grants paid by the central Government to local authorities, in order to enhance the independent standing of the new county councils. To compensate them for this, and to assure them of an independent source of income, it was intended to allow them to collect directly the proceeds of certain items of national taxation. The Government would cease to pay grants-in-aid for police, pauper lunatics, dis-turnpiked and other main roads, poor law medical officers, teachers in poor law schools, registrars, public vaccination, medical officers of health, inspectors of nuisances and criminal prosecutions. During the fiscal year 1887-88, the total value of these grants was computed at £2,851,808. County councils would collect and receive the 'local taxation licences' — licences for the sale of intoxicating liquors by retail for consumption off the premises, for dealers in beer, spirits, wine, sweets, tobacco, game, for refreshment-house keepers, appraisers, auctioneers, hawkers, land agents, pawn-brokers, plate dealers — licences for dogs and carriages, for killing game, for armorial bearings and for male servants. The total receipts for all these were estimated at £2,986,134. In addition, the local councils were to have two-thirds of the receipts from the probate duty — £1,800,000. The two new sources of income would thus come to £4,786,134. Fowler's arguments for the autonomy of the boroughs were based on the plea that to carry out these financial proposals would involve treating unfairly those boroughs which were not separated from the county, and he adduced financial details to support his case. The boroughs wanted to be free of the

<sup>1</sup> Parliamentary Debates, Third Series, Vol. 323, c. 1657, March 19th, 1888.

<sup>2</sup> *Ibid.*, Vol. 324, cols. 1147 sqq., April 12th, 1888.

counties in order to get what they considered to be their fair share of the transferred taxes and licences. The question of the administrative effect of removing them from the county or the probable influence upon the future of the local government structure as a whole were not brought to the front in this discussion because it was grounded on financial considerations. Fowler first drew attention to the differences in rate-levels between the urban and the rural areas. He pointed out that the average of the former was two shillings and sixpence and that of the latter sixpence. On this point he was subsequently corrected by Sir Richard Webster (Attorney-General) who reminded him that the higher level of urban rates was due to the more exacting standards of local government services demanded by town dwellers, who enjoyed proportionate amenities such as drainage, sewerage, paving, lighting and so on, these being less common in rural areas. There were also other institutions such as baths and wash-houses, parks and free libraries, which were almost non-existent outside the towns, who thus received full value for the rates they paid. If rates were unequal, so were benefits.<sup>1</sup>

Fowler's main charge, however, was the unfair distribution of the transferred taxes and duties. Taxes raised in the boroughs really belonged to them and should be handed over to the town councils. He put it to the Government as a matter of justice that if the local taxes raised in a county borough, like Birmingham, could go to the aid of the local rates, why should those of Wolverhampton — a city with a population of 86,000 — 'be handed over to a County 50 miles long and 30 miles wide, with which it had no connections whatever'?<sup>2</sup> Staffordshire had a rateable value of £4,260,000 with county and police rates (excluding the poor rate) of 5d.-6d. in the pound. Wolverhampton rates were in all 4s. 10d. (municipal and sanitary rates 4s. 2½d.; school and library rates 7¾d.). If the poor rate were included the total would be 7s. 3d. in the pound. In Wolverhampton it was estimated that the transferred licences would produce £5334, the transferred taxes £2933; if probate duty brought in another £2000, then the total received by the County Council would be nearly £11,000. Grants-in-aid received at that time by the County were only £5650. The County, Fowler argued, would thus be making a profit of £5388 from taxation raised mainly in Wolverhampton, yet

<sup>1</sup> *Ibid.*, Vol. 324, c. 1162, April 12th, 1888.

<sup>2</sup> *Ibid.*, c. 1158, April 12th, 1888.

the benefit would go not to Wolverhampton with its 4s. 10d. rate, but to the County of Stafford with its 6d. rate. Previously, as a Quarter Sessions borough, Wolverhampton had been free of the county rate. In particular, it had not had to pay for the main roads outside its boundaries. Now it would be brought into the County for this purpose. There were two miles of main roads in the Borough, but 688 miles in the County, which Wolverhampton would have to contribute to. It should be recalled, though this point was not made by Mr. Fowler, that, as the evidence submitted to the 1881 Committee on Highways had shown, the main roads were principally used by the borough residents, and the greatest wear-and-tear was caused by the fleets of wagons used by the brewers and coal merchants of the town.<sup>1</sup>

In response to pressure of this kind, the Government had informally announced their intention to bring the lower limit for county borough status to 100,000. This would have brought in another nine boroughs. Fowler urged that 'the same measure of justice' should be dealt out to the 'middle-class boroughs'. He asked that 'boroughs having their own Quarter Sessions and police, discharging all their municipal duties, approaching 80 or 90 thousand' (Wolverhampton's population was 86,000) 'should be put on the same footing as the other boroughs'. Wolverhampton was anxious, he said, that the County of Staffordshire should enjoy the same benefits which its own inhabitants believed that they had derived from an improved system of local government, but they did not see why the Borough should 'be fined £5000 to enable the County to receive that benefit'.<sup>2</sup>

The boroughs could point to the fact that it was their pattern of local government which had been taken as the model on which the counties were being reformed and the level of their administration was above that of the counties. The point was well expressed by Fowler — 'the municipal boroughs had deserved well of the country, they had done their duty, they had developed the whole principle of local government and the county government proposal was merely based on the decision to adopt and extend the system which had worked so satisfactorily in the boroughs'.<sup>3</sup> Unfortunately

<sup>1</sup> Select Committee of H. of L. on Highways Acts (1881).

<sup>2</sup> Parliamentary Debates, Third Series, Vol. 324, c. 1160, April 12th, 1888.

<sup>3</sup> *Ibid.*, Vol. 324, c. 1158. Ritchie had similarly expressed the purpose of the Bill: 'We propose to extend the Municipal Corporations Act to all counties' (Parliamentary Debates, Third Series, Vol. 323, c. 1656, March 19th, 1888).



for the Government the fact that they had yielded to pressure and reduced the population limit to 100,000, made it difficult for them to resist the demands for further reductions. Once they had recognized the claims of towns smaller than the big ten, it was difficult to call a halt. Where could they stop? Fowler had asked for the level to be lowered to include those of 80,000 or 90,000 population. Mr. Slagg, Member for Burnley, wanted it brought down to 50,000.<sup>1</sup> Mr. T. Robinson (Gloucester) pleaded the case of the eight counties of cities, amongst whom was Gloucester, which would not be qualified for county borough status.<sup>2</sup> On June 8th Sir Henry James (Bury) moved that the limit be lowered to 50,000.<sup>3</sup> In replying Ritchie reviewed the history of the proposals for county borough status.<sup>4</sup> First, their limit had been 150,000; then the Government were induced to lower it to 100,000, and they now consented to lower it further. The criterion would be a population of 50,000 at the 1881 Census, and those boroughs who could give reasonable proof that their current population was 50,000 would be eligible. He also proposed the inclusion of all counties of cities, irrespective of population (Exeter, Lincoln, Chester, Gloucester, Worcester and Canterbury would thus be brought in).<sup>5</sup> A deputation from the County of Lancashire had represented the great injury which the County would suffer if these boroughs were taken from it, and Ritchie would accordingly appoint a Commission to fix suitable financial adjustments. But even this concession did not satisfy the Members for some of the smaller boroughs. Mr. Gully (Carlisle) wanted the limit to be further reduced to 25,000<sup>6</sup> as did Mr. Fry of Darlington.<sup>7</sup> At the Committee stage it was formally proposed on July 9th that the lower limit to qualify for county borough status should be 25,000. Such a reduction would have brought in twenty-nine boroughs each of which was larger than Canterbury, which, as a County of a City, was under Ritchie's new proposal to have preferential treatment. 'The Quarter Sessions boroughs have a continuous and traditional right to autonomy. They did not previously contribute to the county rate and would now be brought within the county system of administration

<sup>1</sup> *Ibid.*, Parliamentary Debates, Third Series, Vol. 325, c. 762, April 20th, 1888.

<sup>2</sup> *Ibid.*, c. 81. 'One might almost say that in these cities local government originated ... the people of Gloucester would not willingly give up the liberties handed down to them by their forefathers.'

<sup>3</sup> *Ibid.*, Vol. 326, c. 1553.

<sup>5</sup> *Ibid.*, c. 1556.

<sup>6</sup> *Ibid.*, c. 1574.

<sup>4</sup> *Ibid.*, c. 1554.

<sup>7</sup> *Ibid.*, c. 1575.

for the first time. The Quarter Sessions boroughs and many of the old historical boroughs, which for centuries had exercised the right of self-government, which had obtained those rights in many instances at very considerable cost, were asked to place themselves under the jurisdiction, to some extent, of the county authorities, from which the large towns, having great urban populations, were first of all eliminated.<sup>1</sup> If the larger boroughs were favoured, why should not the smaller ones be as well? At last the Government realized the results of their previous concessions. It was now imperative that they put a stop to the process, or otherwise the counties would have been left with purely rural areas. Accordingly, Ritchie resisted any further lowering of the limit. He admitted indeed that he had been forced to give way previously against his better judgment and was not really convinced of the wisdom of that course. 'He had more than once had occasion to say that so far as the Government was concerned — certainly so far as he personally was concerned — they greatly regretted that they had seen reason to lower the limit of population below that which was originally fixed.' But the pressure brought to bear upon them had been too strong. If they now reduced the level below 50,000 he was satisfied that 'they would enormously damage the power and the prestige of the county boards'.<sup>2</sup> These sentiments were supported by others who regretted the abandonment of the 150,000 level, and the amendment to lower the limit to 25,000 was lost by 225 to 79.<sup>3</sup>

Thus the original intention of the Government in regard to the creation of county boroughs was negatived and they were forced to modify their scheme in a way which, perhaps more than could be seen at the time, was to have the most profound effect upon subsequent developments. The original weakness in reducing the limit to 100,000 made it difficult to resist further reductions. The forces making for reduction were evident. Using the argument of the fair redistribution of the transferred taxes and licences, the Borough Members were able to press the claim of the class of borough to which their own constituency belonged.

The Bill as originally introduced provided for the government of the district, by consolidating all sanitary and highway powers in

<sup>1</sup> Mr. Rowntree (Scarborough) in Parliamentary Debates, Third Series, Vol. 328, c. 840, July 9th, 1888.

<sup>2</sup> Ibid., c. 843.

<sup>3</sup> E.g. Stavely Hill (Kingswinford), *ibid.*, cols. 846-9.

towns in the hands of the borough council or urban district council, and the analogous functions in rural areas, in rural district councils, which were merely the old rural sanitary authorities in a more dignified form. These District Council Clauses had to be dropped, because otherwise it would not have been possible to find the time to get the Bill through, but first the protagonists of the parish had been able to plead its cause. Dilke, who had been responsible for the draft prepared by the Liberal Government five years earlier, declared that the neglect of the parish was the 1888 Bill's main weakness. 'My main objection to Mr. Ritchie's scheme was that, whereas in my scheme the parish councils had been more highly organized than the county councils, in his scheme the reverse was the case. There was no building up of the smaller districts, giving the work as far as possible to the smallest, where the people were at their homes; but Mr. Ritchie's unit was the county and the smaller bodies were neglected.'<sup>1</sup> The leader of the parish party in the debates was Mr. F. S. Stevenson, Liberal Member for Eye, Suffolk. Speaking on April 19th on the Second Reading, he stressed the need for beginning with the parish. The county was too large an area to arouse the interest of the agricultural labourer, or to enable him to take his part in local administration. Local democracy could only be built up at the parochial level, and the way to do this was by a reformation of the vestry. If the parish were equipped with a proper governing body it would be a suitable unit for dealing with problems that affected the ordinary villager — the management of the school-room and its letting for meetings, the village water supply, allotments, parochial charities.<sup>2</sup> On June 7th, in the Committee stage of the Bill, Stevenson introduced an amendment, calling for reform of the vestry and the making of the parish a key unit of local administration in rural areas. 'The parish formed an historical unit around which certain associations grouped themselves. To the inhabitants, the management of charities or allotments were all matters of interest and were closely connected with parochial affairs.'<sup>3</sup> He outlined the steps necessary to reform the vestry — meetings should be held in the evenings to enable all rural workers to attend, the chair should be taken by a layman and not the incumbent, and the officers

<sup>1</sup> Gwynne and Tuckwell, *Life of Sir Charles Dilke*, II, p. 271.

<sup>2</sup> Parliamentary Debates, Third Series, Vol. 324, cols. 1804-9.

<sup>3</sup> *Ibid.*, Vol. 326, c. 1141.

(overseers and churchwardens) should be elected by ballot, with single and equal voting for all. It was true that there were at that time 15,000 parishes; yet France managed with 36,000 communes. The example of the townships of the United States, especially in New England, should be followed, for these were both democratically governed and equipped with considerable powers.<sup>1</sup> It was proposed to amend Clause 47 of the Bill, so that powers which were due to be transferred under the Act to district councils could be retained by the parish, if its reformed vestry so chose. The debate which followed was reminiscent of the Goschen proposals of 1871, and among those who participated and spoke in favour of the parish were James Ellis (M.P. for Bosworth),<sup>2</sup> A. D. H. Acland (Rotherham),<sup>3</sup> H. Gardner (Saffron Walden),<sup>4</sup> Cobb (Rugby)<sup>5</sup> and Stephens (Hornsey).<sup>6</sup> The figure of 500-600 was suggested by Ellis as one which would make it possible for a parish to run its own local services — school, library, playground, meeting-rooms — and it might even be possible to cut out the districts altogether.

The real difficulty which hampered any attempts to turn the parish into an important unit was one that not even the arguments in favour of rural democracy could surmount. The great majority of the parishes had such small populations that it was impossible to work any system through them. 788 had at this time a population of less than 50; 6398 less than 300, 8000 less than 500. The remedy might appear to be the grouping of these small parishes, yet if this were done the parochial identity would be lost, and the whole argument that parochial government was a system based on units of local sentiment would be undermined. The familiar local grouping was really what the protagonists of the parish as an administrative unit wanted to obtain, but unless the small villages were grouped, it was hopeless to try to use the parish. This dilemma recurred, with even greater prominence, when the Local Government Act of 1893-94 was introduced, but in the meanwhile it was generally agreed that a careful revision of parish areas was needed. The point was made by Walter Long, who pointed to the powers given to county councils under the Bill to reform parish areas. After that had been done,

<sup>1</sup> Cf. A. J. Williams in Parliamentary Debates, Third Series, Vol. 324, cols. 1800-1, April 19th, 1888.

<sup>2</sup> Ibid., Vol. 326, c. 1457.

<sup>4</sup> Ibid., c. 1490.

<sup>6</sup> Ibid., c. 1461.

<sup>3</sup> Ibid., c. 1476.

<sup>5</sup> Ibid., c. 1447.

powers could be given to the parishes.<sup>1</sup> This was emphasized by Ritchie, when replying to the amendment and he said that first must come the reform of parish areas, which would be the task of the county councils: 'The Government looked forward to the county council as a great engine of reform in parochial and other matters.'<sup>2</sup> His confidence might have been a little more restrained had he recalled the words of Rathbone, who spoke on the power of county councils to frame schemes of area reorganization on April 13th. 'If a government in so splendid a position as the present Government did not venture to handle the task, was it likely that county councils, upon whom they laid no obligation to undertake the work, and who had no special motive to undertake it, would do so?'<sup>3</sup> However, Mr. Ritchie concluded that to set up the vestry — even if reformed — as an executive body under the Sanitary Acts would be a retrograde step. It will be recalled that the experience of using the parishes as sewer authorities under the legislation of the 'sixties had not been encouraging. Stevenson's amendment was lost by 229 to 183, but the friends of the parish were not disheartened and the prominence allotted to the parish by the 1894 Act was largely due to their efforts.

The third main topic of interest in the debates of 1888 from the standpoint of areas was the definition of what was to constitute an administrative county. The criterion that seems to have been chosen was whether an area possessed its own Court of Quarter Sessions. The original list appended to the Bill followed the geographical counties, and the representatives of different areas tried to get their own parts of the country set up as separate administrative counties. The first new administrative county was formed by the division of Sussex in two. On July 13th Sir Walter B. Barttelot (North-West Sussex) moved that East and West Sussex should form separate Administrative Counties. The six Rapes had 'from time immemorial' been divided into two sets of three — Western and Eastern Divisions. This was confirmed by the Sussex Act of 1865. The County was ninety miles from west to east, and all the communications ran north and south.<sup>4</sup> There seemed to be general agreement that the County should be split and Ritchie accepted, on the grounds that they already had separate rating systems and Quarter Sessions, though Sir Henry

<sup>1</sup> Clause 58. See Parliamentary Debates, Third Series, Vol. 326, cols. 1465-6.

<sup>2</sup> Ibid., c. 1481.

<sup>3</sup> Ibid., Vol. 324, c. 1212.

<sup>4</sup> Ibid., Vol. 328, cols. 1284 sqq.

Fletcher (Lewes) pointed out that he and his constituents thought that one county would be more economical than two.<sup>1</sup>

The next case was that of West Suffolk. Here the matter was much more strongly contested. The claim arose from the historic position of Bury St. Edmunds as the capital of its own extensive liberty and the natural reluctance of its inhabitants to be subordinated to Ipswich. Historically, Suffolk had been in two main parts — the Liberties and the 'geldable'. The Liberty of Bury St. Edmunds comprised the Hundreds of Babergh, Risbridge, Thedwastre, Thingoe, Cosford, Lackford, Blackbourn; St. Etheldreda's Liberty had six Suffolk Hundreds centred round Woodbridge — Carleford, Colneis, Plomesgate, Loes, Wilford, Threadling. The 'geldable' area had two centres — at Ipswich and Beccles. Ipswich took the Hundreds of Bosmere and Claydon, Samford, Stowe, Hoxne and Hartismere; Beccles had Blything, Wangford, Mutford and Lothingland.<sup>2</sup> Originally there had been four separate Courts of Quarter Sessions and four separate rating systems, but Beccles and Woodbridge had later been combined with Ipswich. One police force served the whole county, but the Quarter Sessions were adjourned alternately from Ipswich to Bury and vice versa, although there was in fact only one Commission of the Peace for the whole of Suffolk. In 1882 a Joint Committee of Quarter Sessions representing both parts of the County reported in favour of complete amalgamation, but as the Act then passed required the consent of each body of magistrates separately, Bury St. Edmunds voted to retain its independence. A particular anomaly, appreciated at the time, was the co-existence in Suffolk of two separate and varying rates.<sup>3</sup> The debate in the Commons resolved itself into a struggle between the champions of Bury and those of Ipswich. Lord Francis Hervey, who sat for Bury, moved that Suffolk be divided, on the grounds that West Suffolk had had an independent jurisdiction since the days of Edward the Confessor.<sup>4</sup> He was opposed by F. S. Stevenson who sat for Eye.<sup>5</sup> He said that everybody in East Suffolk wanted union — the Quarter Sessions, the three County Members, the two Members for Ipswich. Even in the western part of the County it seemed probable that the

<sup>1</sup> Parliamentary Debates, Third Series, Vol. 328, c. 1286.

<sup>2</sup> *Victoria County History of Suffolk*, II, p. 159.

<sup>3</sup> House of Lords, Lord Henniker, July 31st, 1888. Parliamentary Debates, Third Series, Vol. 329, cols. 1663 sqq.

<sup>4</sup> Parliamentary Debates, Third Series, Vol. 328, c. 1286.

<sup>5</sup> *Ibid.*, c. 1288.



Sudbury Division would be in favour of union. Colonel Anstruther (Woodbridge) stressed the economy of a single county system.<sup>1</sup> An argument developed upon the merits of Ipswich as a centre of communication, accessible from all parts of the County. Anstruther mentioned that there were four trains a day between Bury St. Edmunds and Ipswich, and the advantages of Ipswich were naturally supported by its own Member, Sir Charles Dalrymple.<sup>2</sup> On the other hand, the M.P. for Stowmarket said that from the western parts of West Suffolk one could not get to Ipswich and back in a day.<sup>3</sup> A new point was raised by the Lowestoft Member — Sir Savile Crossley — who said that if the County were to be divided, it ought to be divided into northern and southern Divisions, and that his constituents would find it difficult to get to Ipswich; on balance, however, he was in favour of one County.<sup>4</sup> Ritchie confessed that he had to some extent been taken by surprise, but that since the County was already divided into two Courts of Quarter Sessions with two rating areas, he would support the claims of Bury St. Edmunds, and the motion was carried by 157 to 130.<sup>5</sup> Other county divisions carried out were the separation of Ely from Cambridgeshire,<sup>6</sup> the division of Yorkshire into three Ridings<sup>7</sup> and — by the House of Lords — the separation of the Soke of Peterborough from Northamptonshire.<sup>8</sup> The Isle of Wight was not separated from Hampshire to form a separate Administrative County until 1890, when this was done by the Local Government Board under the provisions of the Act. An interesting proposal — later implemented — was that advanced by Captain Heathcote (North-West Staffs) who suggested that the Staffordshire Potteries should be formed into a single county borough. Stoke, Hanley, Longton and Burslem Boroughs with the Urban Sanitary Districts of Fenton and Tunstall would have a total population of 165,000 with a rateable value of half a million pounds. If this were not done, Hanley would become a county borough, whilst the rest of the conurbation would be left in the County of Staffordshire.<sup>9</sup> A similar suggestion was made for dealing with the Black Country.<sup>10</sup> Finally it was suggested in the House of Lords that the Cinque Ports should

<sup>1</sup> *Ibid.*, c. 1289.<sup>2</sup> *Ibid.*, c. 1292.<sup>3</sup> *Ibid.*, c. 1290.<sup>4</sup> *Ibid.*, c. 1291.<sup>5</sup> *Ibid.*, c. 1294.<sup>6</sup> *Ibid.*, c. 1294 (by Capt. C. W. Selwyn, M.P. for Wisbech).<sup>7</sup> Section 39 of the Act.<sup>8</sup> Parliamentary Debates, Third Series, Vol. 329, cols. 1669 sqq.<sup>9</sup> *Ibid.*, Vol. 328, cols. 1275 sqq.<sup>10</sup> *Ibid.*, c. 1282, by Mr. P. Stanhope, M.P. for Wednesbury.

be formed into a single county borough. They then had a population of 100,000, and formed an almost continuous band from Seaford to Birmington. 'The only valid reason for which so strong a local sentiment could be opposed would be founded upon considerations either of symmetry, of economy, or of convenience. As far as symmetry was concerned, the Government had cut the ground from under their feet, not only by concessions made to other counties, but by the fact of their having taken Canterbury out of the County of Kent, and Hastings, one of the Cinque Ports themselves, out of the County of Sussex. As to economy, who are so well able to judge . . . as the Justices of the Peace of the County of Kent?' If adoption caused any expense, the Cinque Ports would bear it. As to convenience the inhabitants should be the best judges of it. 'The Cinque Ports, coast towns and the interior parts of the County, felt that they ought not to be united.'<sup>1</sup> The matter was not pressed, but it showed that logically the acceptance by the Government of county boroughs with populations of 50,000 could — if carried to its conclusion — disrupt the whole structure of county government.

#### D. *The Act of 1894*

Since the District Councils' Clauses had to be dropped from the Bill in 1888, the government of urban and rural districts was not reorganized for another five years. This task — with the revival of the parish — was the object of the Local Government Act introduced in 1893 by the Liberal Government. The 1888 Act had reorganized the upper level and it was now the turn of the lower ranks of the structure. The District Councils' Clauses were taken over from the earlier Act, but the addition of the Clauses relating to parish councils earned it the popular name of the Parish Councils Act, though, in so far as its significance for the development of local government is concerned, it might be more suitably known as the District Councils' Act. Its sponsor was the President of the Local Government Board, H. H. Fowler, later Lord Wolverhampton. It was he who in 1888 had, on behalf of the medium boroughs, led the attack against Ritchie's Bill. The new Bill was given its First Reading on March 21st, 1893, and its Second Reading began on November 2nd. It was then exhaustively, and perhaps obstructively, argued through the

<sup>1</sup> The Kent County Justices supported the separation of the Cinque Ports. House of Lords, Lord Brabourne, August 6th, 1888. Parliamentary Debates, Vol. 329, c. 1671.

Second Reading and Committee stages. The Liberals accused the opposition of wilful obstruction, and it is a fact that they put down no less than 1025 amendments, of which 402 were actually moved. On the other hand, the Government itself put down 477, of which 217 were actually moved. It is estimated that during the fifty-seven sittings Fowler spoke 800 times.<sup>1</sup> The passage of the Bill was regarded as a personal triumph for Fowler himself, and *Punch* portrays him as a rugby player, eluding pursuit with the Bill in the form of a ball in his arms, the caption being 'Fowler's fine, single-handed run'.<sup>2</sup>

There were two main features of the Bill which are of interest from the standpoint of areas — the final consolidation of urban powers in the hands of the 302 town councils and 688 urban district councils, and the relationship between the rural district councils and the parishes. There were already existing some 688 urban districts — the title varying, according to the date of formation, between urban sanitary districts, local government districts and local board of health districts. In towns where there was no town council or local board, but an Improvement Act commission had been set up, the latter became the urban district council. Elsewhere the Improvement Act authority was absorbed in the town council or the urban district; everywhere burial boards in towns were absorbed by the borough or urban district. Thus the Act saw the end of the existence as separate entities of the 31 Improvement Act districts still surviving in 1893, and of 1052 burial board districts.<sup>3</sup> Following the model of the 1888 Act, poor law and education were not included within the scope of the new authorities. Thus the 648 boards of guardians and the 2302 school boards remained as *ad hoc* bodies side by side with the town councils and urban districts. None the less the consolidation of urban authorities thus achieved was considerable, and it made possible the abolition of the conflicting systems of franchise, elections and authorities, which had previously been so criticized.

The provision for government in rural areas provided, however, the real crux of the discussion on the Bill. The Government, adhering to the policy followed by the Local Government Board since 1870, had decided to make the basis of rural government the area of

<sup>1</sup> E. H. Fowler, *Life of Lord Wolverhampton*, p. 274.

<sup>2</sup> *Punch*, December 9th, 1893, p. 266.

<sup>3</sup> House of Commons, Ritchie, March 21st, 1893 (Parliamentary Debates, Fourth Series, Vol. 10, c. 681).

the rural sanitary district, i.e. the poor law union less the municipal boroughs and urban districts within it. The number of rural sanitary districts at this time was 574. Thus the question of whether the area of rural government was to be that of the highway district and petty sessional division, or that of the poor law union, was finally settled; the 362 surviving highway districts were to be abolished and their functions transferred to the new rural districts. The latter were also to take over the functions of the 6500 highway parishes not grouped into highway districts and of any minor special authorities such as the burial boards and inspectors under the Lighting and Watching Act. The Act provided for the splitting of the rural sanitary districts along the line of the county boundaries; this would often leave rural sanitary districts composed of only a few parishes, the bulk of the original union and rural sanitary district being across the county boundary. Accordingly, the Act, after providing that every rural district (unless the county council should decide otherwise) should be in one county, and every parish in one rural district, allowed the county council to arrange for any rural sanitary district with less than five parishes to be annexed to one or more other rural sanitary districts in the same county. Thus the Act of 1894 did try to make workable the areas which were chosen as the basic units for future rural administration, but within the scope of these provisions it was not possible to do much. The inherent awkwardness of shape of most of the existing rural sanitary areas was the difficulty. After all, they were merely the union areas of 1834, with the boroughs and urban districts 'punched out', to use Pell's phrase, and then split quite arbitrarily along the lines of the county boundaries. Fitzmaurice spoke of the Assistant Poor Law Commissioners of 1835 'hacking and hewing' at the counties when they established the unions, but that was little compared with the treatment accorded to the union areas in the form in which they were allowed to continue as general units of local government. This problem of the shape of the rural districts was immediately seized upon by the defenders of the parish. It would be much better to build up the individual parishes and give them the responsibility, particularly as they represented recognizable local communities, and the majority of their own boundary problems had been sorted out by the Divided Parishes Acts of 1876, 1879 and 1882. Sir Charles Dilke, who led the fight on behalf of the parish during the 1893 debates, showed that the difficulty of transferring

powers previously exercised by parishes to the districts was the shape of the districts themselves. They were not simple areas. Speaking after a Grimsby M.P. he took a few examples from Lincolnshire: 'Take Glanford Brigg — which consists of two large lobes, united by a narrow neck, such that it is hardly possible to travel from one part to another without going altogether outside the district. Or in the same County, Spalding or Holbeach, both of them divided by long strips, which cut them almost exactly in half. Would these be convenient districts, to exercise for the parish powers essentially parochial?' One Rural Sanitary District was in five pieces, two were in four, seven in three and thirty-eight in two; thirteen were 'of monstrous shape'. 'These are not districts upon which it is possible to heap work.'<sup>1</sup> Further, it would not be possible to alter them because of the financial adjustments involved. Dilke's alternative was to use the parishes, which should have parish councils with extensive powers. The parish council would arouse popular interest because it would be possible for the ordinary countryman to attend its meetings, which could be held in the evenings. The argument resolved itself into a discussion between those who favoured a small unit, where the ordinary labourer could attend to local government work within his own immediate neighbourhood, and those preferring the bigger area just because it meant that only persons with more leisure could travel to the district centre to transact administrative business. It has been suggested that the history of these two Acts is one of the struggle between the Liberals, who favoured the parish, and the Conservatives, who preferred the county councils which would be inevitably dominated by the country gentry.<sup>2</sup> It is against this background that the parish versus district controversy in 1893-94 must be set. In this connection, it may be noted that a writer in 1882 classified local authority areas according to their extent and the consequent effect upon the possibility of different classes of the population attending meetings. Thus the counties, which had an average radius from centre to boundary of eighteen miles, were pre-eminently the sphere of the 'carriage folk' — the county nobility and gentry — who had both time and method of conveyance for the journey. The union, with an average radius of five and a half miles from market town to boundary, was the field for the smaller gentry or the farmers, who

<sup>1</sup> Parliamentary Debates, Fourth Series, Vol. 18, c. 44 (November 2nd, 1893).

<sup>2</sup> R. C. K. Ensor, 'The Supersession of County Government', *Politica*, 1935, p. 425.

went in to the weekly market. But only the parish, with a radius of one mile, could be governed by a vestry which it was possible for the ordinary agricultural labourer to attend, because it was possible for him to get to the place of meeting after his day's work.<sup>1</sup> It was this desire to make the parish a unit in which the agricultural labourer could have his say that dictated the long discussion in 1893 upon the regulation for holding the vestry at hours convenient for the rural worker, and which caused the opposition to the Government's proposal for uniting parishes for the purpose of electing a parish council. It was proposed that parishes with less than 300 population should be grouped for this purpose, but 6000 parishes had a population of less than 300. In some areas there were practically no parishes above the 300 limit, and so all the parishes would have to be grouped. In the Ashford constituency of Kent, for instance, all the parishes were about the same size and only three of them over 300; if they were combined in pairs, all they would do on the joint parish councils would be to try to 'obstruct each other's expenditure'.<sup>2</sup> As Mr. Jeffreys of Basingstoke pointed out, it was not possible to set up the same village authority for a large village and a small one, without the small village fearing that it would be out-voted on all occasions and that its share of the expenditure would be used solely for providing amenities in the larger village.<sup>3</sup> That this argument was not without foundation is shown by subsequent experience with parishes which were large enough to contain several villages. 'I have in mind the very large township (we call them townships in my county) where there are some half dozen villages. In my experience the difficulty of getting sanitary work done there has been enormous for years, simply because on each occasion when something is wanted in one particular village all the others are against it, and they do not like to force a parish against its will.'<sup>4</sup> After all it was only reasonable to expect that when the parochial spirit was specifically invoked as an argument in favour of a particular type of area, this very parochial spirit would manifest itself along the customary lines.

<sup>1</sup> G. C. Brodrick, 'Local Government in England', in *Local Government and Local Taxation* (1882). See also Select Committee on Parish, Union and County Boundaries (1873): evidence of Dr. William Farr, p. 75.

<sup>2</sup> L. Hardy (Ashford), *Parliamentary Debates*, Fourth Series, Vol. 18, c. 66.

<sup>3</sup> *Parliamentary Debates*, Fourth Series, *ibid.*, c. 60.

<sup>4</sup> R.C.L.G., *Minutes of Evidence*, Part X, p. 1874, Q. 2948. The witness was answering a suggestion made by Mr. W. B. Pindar, for the Rural District Councils Association, that small parishes might be amalgamated.



The dilemma is apparent; there are certain qualities inherent in the parochial community, and it is desirable to recognize and harness them to the service of local government, by giving the parish scope for responsibility in local administration. But to make this feasible at all, a limit of minimum size must be imposed, and this means destroying the character of a large proportion of the parishes. One can sympathize with the complaint of Mr. Jeffreys that the Bill was saving the parish by extinguishing about half the parishes of England.<sup>1</sup>

A prolonged discussion took place, both on the Second Reading and at the Committee stage on the first clauses, upon the question of the minimum size of parish which should be allowed a parish council. Confusion arose because two distinct issues were being treated together. The original government proposal<sup>2</sup> had been to give parish councils to all parishes over 300 population, and all parishes below that figure were to be grouped with other parishes for the election of a parish council, but were each to have their own parish meeting. On this issue, the Government soon found that there was widespread opposition to the compulsory grouping of parishes, and they decided to ask the advice of the House; 'we propose that the question of the number of the population should be a question to be discussed in the House, and whatever the judgment of the House is upon that point, we shall be prepared to defer to it'.<sup>3</sup> Fowler later estimated that out of sixty-three speeches on the Second Reading, at least fifty opposed the compulsory grouping of parishes.<sup>4</sup> Walter Long opposed it because it 'would destroy the individuality and identity of the small parishes altogether. If a parish is a small area, and it has to be joined to a neighbouring parish, it will lose its individuality'.<sup>5</sup> There was general support for Jesse Collings's formula that 'parishes with a population of more than 200 should have parish councils, and the rest should not be grouped except with their consent, power being given to the county council to group them'.<sup>6</sup> Even the provision that a grouped parish should retain its own parish meeting was criticized as not only inadequate but unworkable. H. Hobhouse (E. Somerset) drew attention to the difficulties of uniting two incompatible parishes

<sup>1</sup> 'If the President of the Local Government Board intended by his Bill to put new life into the villages, it was a very funny way to attempt to do so by at once extinguishing almost half the parishes of England.' *Parliamentary Debates*, Fourth Series, Vol. 18, c. 61.

<sup>2</sup> *Parliamentary Debates*, Fourth Series, Vol. 10, cols. 4-6.

<sup>3</sup> Fowler, *ibid.*, c. 5.

<sup>4</sup> *Ibid.*, c. 1787.

<sup>5</sup> *Ibid.*, c. 19.

<sup>6</sup> *Ibid.*, c. 134.

for the election of a parish council and separating them for their parish meetings. "These small villages would be like two dogs chained together against their will."<sup>1</sup> The Government adopted a formula similar to that of Jesse Collings, and agreed that no parish should be compulsorily grouped against its will. Any parish with a population of 200 could have a parish council, if it wished. It seems that the figure of 300 originally fixed had been taken because it was the figure below which parishes could be grouped for the election of a poor law guardian.

But now the discussion took a different turn. Previously the Government's critics had tried to bring as low as possible the limit at which a parish could have its own council, so as to make it impossible to group the smaller parishes. Now that the Government had given way on the issue of compulsory grouping, the critics — who did not like parish councils — tried to raise the limit, so that the larger parishes would not have to elect parish councils. Amendments were set down to fix the lower limit for a parish council at 500, 600 or 1000. The approach was two-fold. First, there were members of Radical sympathies who wanted to put direct democracy into practice. Dilke admitted that he 'had never been keen on parish councils except in the larger parishes' and preferred the reformed vestry or parish meeting,<sup>2</sup> as did J. J. Stansfeld, who said: 'There are hon. members who think that the representative principle is of such high and universal value that it must be introduced everywhere, however small the area or limited the population. I hold that this is carrying the representative principle too far, and my view is that we should go back to the old Anglo-Saxon notion of government of the people by the people in areas so small that the representative principle cannot conveniently be adopted.'<sup>3</sup> On the other hand, Conservative critics regarded the parish councils as an unwanted imposition upon the rural areas, and aimed to give parishes of up to a certain level of population the right to reject them. Thus J. Grant-Lawson moved an amendment designed to let any parish, big or small, decide to have or not to have a parish council. 'The matter was one for the exercise of the people of local option. If a parish chose to go to destruction in its own way, it should be allowed to do so without directions from the House.'<sup>4</sup>

<sup>1</sup> Fowler, *ibid.*, c. 281.

<sup>3</sup> *Ibid.*, c. 141.

<sup>2</sup> *Ibid.*, c. 42.

<sup>4</sup> *Ibid.*, c. 1164.

It is interesting to note that the criterion — suggested by the County Councils Association — for allowing a parish to govern itself by council or meeting would be the number of people who could be assembled in the Parish Room. It was estimated that in a population of 500, there would be 100 electors, and this number (or that proportion which would attend) could be assembled in one place and could transact business as a body. Above that figure, a parish council would probably be necessary.<sup>1</sup>

Two ways along which the deadlock between the desire to keep the parish's individuality and the need to give it adequate resources, could be, and to some extent was, broken were discussed during the debate. One was the delegation to parochial committees, established under the Act of 1875 of rural district council powers, and the other was the granting to rural district councils of certain urban powers in respect of areas which were developing.<sup>2</sup> This was to prevent the urbanized parishes having to break away from the rural district and become urban districts, simply because they could not otherwise legally obtain the necessary standard of urban services. But the dilemma is still unresolved. If the parish, as a unit, is to be an effective area of local government, it must be enlarged; but if the average parish is enlarged, then it is no longer the parish.

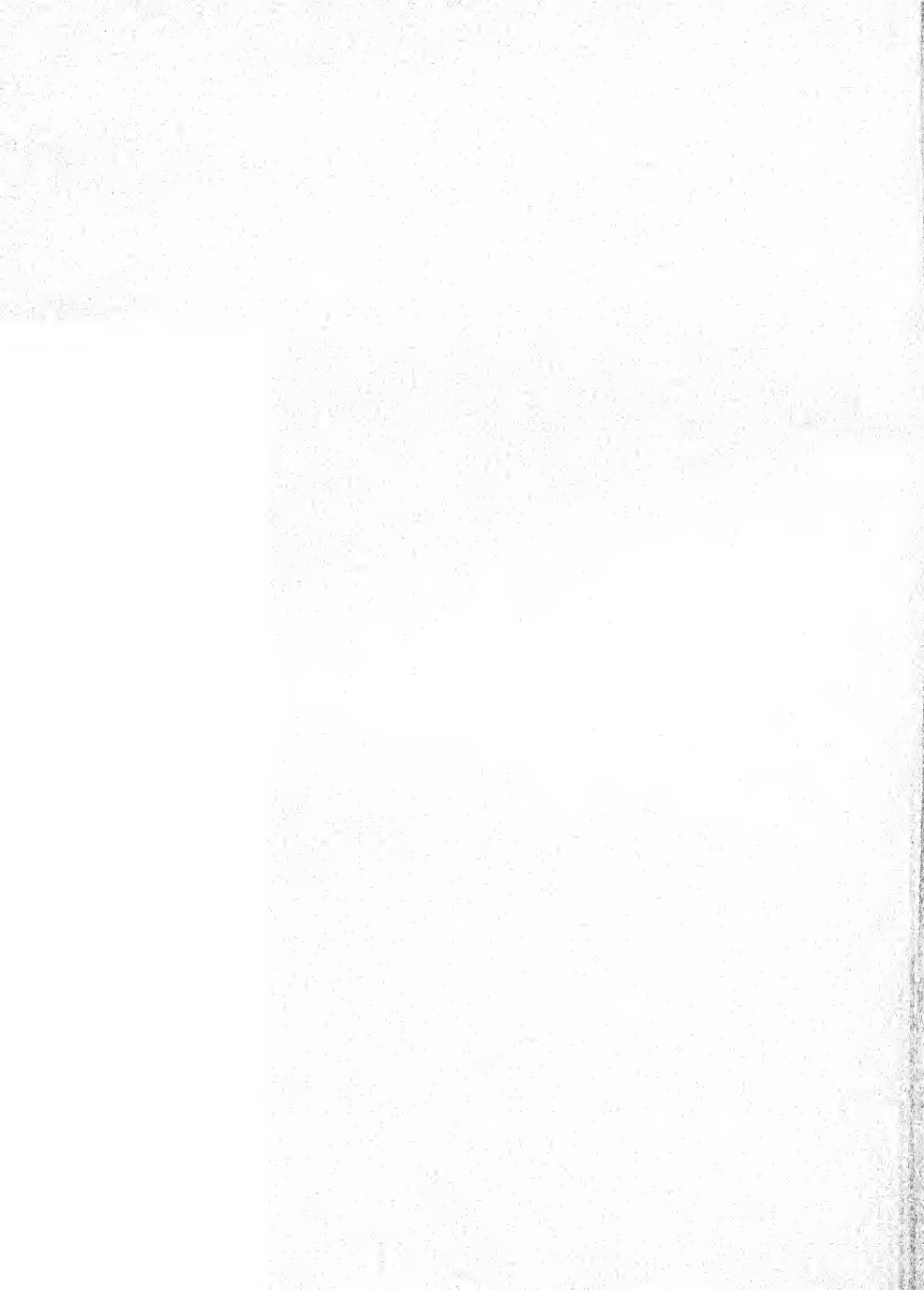
The two Acts of 1888 and 1894 established the existing structure of local government. Apart from their effect upon the relationship between different areas and authorities, they standardized the internal organization of the councils by establishing their elections and procedure on the municipal model. From the viewpoint of services, they established the principle of compendious authorities, though leaving certain services like education and the poor law under separate authorities to be brought into the general system at a later date. In regard to boundaries, even if the methods adopted were somewhat arbitrary, they put an end to the overlapping of areas between authorities operating in the same field. In regard to the general area structure, they stamped upon English local government the impress of the 'island' system which is its most prominent characteristic; the county boroughs were cut out of the counties, the boroughs and urban districts were taken out of the rural districts. The counties as

<sup>1</sup> *Ibid.*, c. 1194.

<sup>2</sup> E.g. by Mr. H. Hobhouse (E. Somerset). See *Parliamentary Debates*, Fourth Series, Vol. 18, c. 1154.

set up by the 1888 Act were — apart from certain sub-divisions and boundary rectifications — essentially the historic counties of almost a thousand years' standing. Nevertheless, the two Acts provided the culmination of the local government reconstruction which had been in process since 1834. In those sixty years the structure of local government went through first a stage of modernization to meet the need of the new industrial and democratic age. It had to be made both efficient and amenable to democratic control, with the machinery to provide services which former conditions had not demanded. This involved the adoption of a large number of *ad hoc* bodies, each dealing with a specific problem. This inevitably resulted in a confusion of conflicting areas and authorities. This tangle had to be straightened out, and a new set of basic units found in order to reduce the whole to a workable plan. It can be said that the two Acts of 1888 and 1894 succeeded in doing it in a manner suitable for their age since they produced a structure that was universal, relatively simple, and uniform. Doubtless a Bentham would have produced a tidier and more integrated system, but at least that which was set up by the two Acts observed his principle 'always to do the same thing in the same way, choosing the best and always to call the same thing by the same name'.

PART II  
THE PRESENT STRUCTURE AND ITS  
FUTURE





## CHAPTER V

### DEVELOPMENT OF AREAS AND BOUNDARY

CHANGES: 1888-1939

#### A. *Introductory*

DURING the period 1888-1939 the local government structure established by the Acts of 1888 and 1894 remained basically unchanged. It did however undergo some modification through an adjustment of the relative parts played by the different types of authorities within it, and the strains caused by certain incompatibilities—which perhaps had not been fully foreseen—were clearly revealed. During the period, the following were the chief factors in the development of the problem of areas in English local government :

(1) The sharp contrast—established by the Acts of 1888 and 1894—between units of urban and of rural administration was brought out into the field of practical politics and debate. The conflict was present at the district level within the county, though obscured by the general impression that it was merely the smallness of so many districts that was at fault. But the antithesis between the county and the county borough was so vociferously proclaimed that it became, after the first German war, the crucial issue in local government.

(2) Local authorities became more 'compendious' by the absorption of services still administered by *ad hoc* bodies—notably education in 1902 and public assistance in 1929. On the other hand, a limited but noticeable tendency to set up new *ad hoc* bodies was observable after 1930; this was due to the inconvenience of organizing certain services on the lines of the local authority areas either because of the unsuitability of local government boundaries, or because it precluded the cost of the service being met by a charge borne equally by all areas in the county as a whole.

(3) Within the structure itself there was considerable redistribution of functions between types of area, resulting in the transference of some from the smaller authorities inside the county to the county itself.

(4) The need for a revision of local government boundaries—to meet changes in the movement of population or to clear up anomalies

still remaining—was recognized and revision was carried out on an extensive scale during the years 1929 to 1938; it was, however, a rectification of boundaries or alteration of units within the classes of authorities, rather than a recasting of the structure of local government areas, since the principles of the system were not disturbed, even though the volume of change was extremely large.

### *B. Counties and County Boroughs*

When the Act of 1888 was passed it was appreciated that urban development and movements of population would necessitate future adjustment of the balance thus struck between units mainly rural and those mainly urban. First, county boroughs might find it desirable to apply for an extension of their boundaries at the expense of a neighbouring county, in order to include new suburbs, which could fairly be described as 'outgrowths' of the county borough. Secondly, a municipal borough which had attained the minimum requisite population (50,000) stipulated by the Act, might apply for the status of a county borough, thus reducing the area of the county in which it was situated.<sup>1</sup> Constitution and extension of county boroughs could be achieved by the promotion of a Local Act, or by a system of orders made by the Local Government Board (later Ministry of Health). The County Borough presented a memorial to the Minister, stating the change desired and the effects upon other local authorities. The Minister could after initial examination refuse to entertain it further; for instance between 1903 and 1915, after a visit by an inspector, the applications of Burslem (1903), Hanley (1903), Crewe (1905), West Hartlepool (1909) were turned down.<sup>2</sup> If the application was allowed to proceed further, a local inquiry, as required by sec. 54 of the Act of 1888 was held by an inspector of the Local Government Board. Since sanitary questions played a considerable part in the determination of the question, the inspector was a member of the Engineering Inspectorate of the Local Government Board or Ministry of Health. The inspector received a detailed brief from the Department on the background to the application, and, before opening his inquiry, he spent a few days visiting the area in company with representatives of the local authorities con-

<sup>1</sup> Section 54 of the Act of 1888.

<sup>2</sup> Royal Commission on Local Government: Gibbon, Mem. 210 (I.85); Norton Q. 4882-3 (II.322).

cerned. Following the evidence given verbally and in writing during the inquiry itself, he made a report to London, giving all the relevant information, maps, statistics, etc. It was on this report that the decision of the Minister was based.<sup>1</sup> If the decision was to grant the application, either completely or in a modified form, it was embodied in a Provisional Order and submitted to Parliament.

What were the questions which the inquiry sought to elucidate, and which affected the decision of the Minister ?

In the case of the constitution of a new county borough it was essential to make sure first that the population was in fact the 50,000 required by the Act, that the previous administrative record of the borough was good, whether it would need an extension of its boundaries if it became a county borough, and what the effect of its new status would be on the county or counties concerned. In the case of a proposed extension similar questions were asked. Again the past administrative record of the borough was examined; then, could the area if enlarged continue to be efficiently and economically administered ? This involved the question of the extension of existing sewage plant and other public services. The effect on the services and rateable value of neighbouring authorities concerned also had to be estimated. The wishes of the inhabitants in the area to be incorporated in the county borough had also to be ascertained, though it was not generally held that their wishes should be the dominant factor.<sup>2</sup>

Another consideration was whether the area to be annexed to the county borough was an ' outgrowth ' of it and whether there was a ' community of interest ' between them, as shown by the sharing of a common water supply, or the use of the same tramway or sewage system. Again, attention was given to the provision of shopping and entertainment facilities by the county borough, which were used by the inhabitants of the portion it was proposed to include ; similarly there might be common economic interests, both areas having the same trade or industry.<sup>3</sup>

Finally, the whole problem had to be reviewed in the light of financial considerations. It might be the case that workers in the

<sup>1</sup> R.C.L.G. : Evidence of Mr. Hetherington and Col. Norton.

<sup>2</sup> For instance in 1920 Parliament passed a Local Act for the extension of Edinburgh against the ' clamorous ' opposition of the inhabitants of Leith, the area affected. See Gibbon M.22 (3) (I.99) : Q.2496-9 (1103); Q.2505 (1103).

<sup>3</sup> Gibbon Q.2808 (I.116), Q.2515-6 (I.103), Q.2822-3 (I.117).

county borough went out to work in a factory in the area proposed for extension, and the county borough could not otherwise profit by the high rateable value of this factory; conversely, there might be high-class residential property outside the county borough, whose occupants came into the county borough to work but escaped the county borough rates in their homes.<sup>1</sup>

The following table shows the number of proposals made on the two methods of procedure both for the constitution and extension of county boroughs between 1889 and the appointment of the Royal Commission on Local Government in 1922 :—

	<i>Constitution of C.Bs.</i>		<i>Extension of C.Bs.</i>	
	<i>Provisional Order</i>	<i>Private Bill</i>	<i>Provisional Order</i>	<i>Private Bill</i>
Proposals made .. .. .	29	4	104	61
„ withdrawn .. .. .	—	—	12	5
<i>Stages Before Parliament</i>				
Rejected without statutory local inquiry .. .. .	3	—	7	—
Sent for local inquiry .. .. .	26	—	85	—
(Opposed at .. .. .)	14)	—	75)	—
(Unopposed at .. .. .)	12)	—	10)	—
Refused at .. .. .	3	—	13	—
Provisional Orders made .. .. .	23	—	72	—
(Complete extension granted .. .. .)	—	—	25)	—
(Partial extension granted .. .. .)	—	—	47)	—
<i>Parliamentary Stages</i>				
Bill opposed .. .. .	14	3	44	30
„ unopposed .. .. .	9	1	28	31
„ rejected .. .. .	3	1	8	10
„ confirmed .. .. .	20	3	64	46
(For complete area of extension .. .. .)	—	—	59)	29)
(For modified area of extension .. .. .)	—	—	7)	17)

(Report p. 164)

Thus during the period 1889–1922 23 new county boroughs were constituted; as two were merged with other county boroughs (Hanley in Stoke-on-Trent and Devonport in Plymouth), this made the net increase 21. This figure should be added to the 61 county boroughs created by the 1888 Act, making 82 in 1922: the area taken away by these means from the counties amounted to 100,000 acres, with a population of about 1,300,000 and a rateable value of £6½ million.<sup>2</sup> As regards extensions to county boroughs, the 109 made resulted in the transfer from county councils to county boroughs of about 250,000 acres, with a population of about

<sup>1</sup> See First Report of Royal Commission, pp. 166ff.

<sup>2</sup> Para. 373 p. 136 of Report.

1,700,000 and nearly £8 million of rateable value.<sup>1</sup> Added together this meant a total loss to the counties of 350,000 acres, with a population of 3 million and about £14½ million of rateable value. These changes affected 27 out of the 61 counties outside London, and the percentage of the (1921 census) population and rateable value transferred was 22.8 and 20.8 respectively.<sup>2</sup> To take individual counties, Lancashire lost 667,000 population, Staffordshire nearly 400,000, the West Riding 360,000.

This continued expansion of the county boroughs was persistently opposed by the county councils, and it was really due to their efforts that the whole question was submitted to the Royal Commission under the chairmanship of Lord Onslow. Towards the end of 1921 they proposed to the Ministry of Health that a Royal Commission be appointed to investigate the question, but at first the Minister (Sir Alfred Mond) tried to settle the matter without such a lengthy process by conferences between the County Councils Association and the Association of Municipal Corporations at the Ministry. Although the case was fully argued on both sides no agreement on policy between the two bodies seemed possible and, as they both accepted the idea of the appointment of a Royal Commission, the Minister decided that this should be done as soon as the Royal Commission on London Government, then sitting, had concluded its work. In the meanwhile the situation was 'frozen' and the Minister declared that as far as the Ministry was concerned 'no contentious proposals for the extension of boroughs and the creation of new County Boroughs will be entertained by the Ministry'.<sup>3</sup> The Royal Commission was appointed on February 14th, 1923, and as originally constituted comprised (apart from the chairman) Lord Strachie, Sir George Macdonogh, Sir William Middlebrook, Sir Ryland Adkins, Sir Lewis Beard, Sir Walter Nicholas, Sir W. R. Buchanan Riddell, Bart., Mr. C. H. Lloyd, K.C., Sir A. M. Myers, Mr. (later Sir) Harry G. Pritchard, Mr. (later Sir) Edmund Turton, and Lt.-Col. (later Sir) Seymour Williams; on Sir Ryland Adkins' death in 1925 he was replaced by Mr. Samuel Taylor; on Sir Walter Nicholas' death in 1926 he

<sup>1</sup> Para. 374: see Mem. of Evidence. Gibbon App. LXIII Tables B and C (Vol. I, p. 82): C.C. Assoc. (Dent) App. LXIII Tables C and D (Vol. III, p. 484); Keen App. LXX (Vol. IV, p. 724).

<sup>2</sup> C.C.A. (Dent) Mem. 23 (Vol. III 452) App. LXIII C and D. (Vol. III, p. 484).

<sup>3</sup> Sir Alfred Mond: *Hansard*, June 13th, 1922; Vol. 155, col. 307.

was replaced by Mr. John Bond, and on Sir Arthur Myers's death in 1926 he was replaced by Mr. H. C. Norman.<sup>1</sup> The Commission's first report on August 7th, 1925, dealing with the extension of county boroughs, was put into effect by the Act of 1926. On August 4th, 1926, the terms of reference of the Commission were extended to cover relations between all local authorities, including parishes, and the making of recommendations as to their constitution, areas and functions. Their second report on this wider subject was published on October 9th, 1928; much of this was the basis of the Act of 1929; their third report, dealing with various other questions—including the problem of the local government civil service—which had been referred to them, was published on November 12th, 1929.

### *C. Constitution of New County Boroughs*

The whole question of the constitution and extension of county boroughs was exhaustively examined by the Royal Commission. On the question of procedure, it was put to them by representatives of both county councils and urban districts that county boroughs should be constituted only by Private Bill procedure, if, after inquiry, it was found that the application was opposed on a matter of principle.<sup>2</sup> It was generally agreed that the inspectors of the Ministry were both competent and fair, and that it was only right that they should be experts on engineering, rather than legal arbitrators, in view of the technical questions involved.<sup>3</sup> The evidence of the two

<sup>1</sup> The following were the connections of members of the Commission with the different types of local authority.

*Boroughs*: Sir Lewis Beard (Town Clerk of Coventry and Blackburn), Sir William Middlebrook (ex-Lord Mayor of Leeds), Sir Harry Pritchard (Hon. Secretary of A.M.C.).

*Counties*: Sir Ryland Adkins (Chairman of Northants C.C. and of Executive Committee of C.C.A.), Lord Strachie (County Alderman of Somerset, Vice-President C.C.A. and R.D.C.A.), Sir Edmund Turton (Chairman of N. Riding Quarter Sessions and Licensing Committee); Mr. Taylor succeeded Sir Ryland Adkins.

*Urban Districts*: Sir Walter Nicholas (Clerk to Rhondda U.D.C. and member of U.D.C.A. executive committee), later succeeded by Mr. Bond.

*Rural Districts*: Sir Seymour Williams.

The 'neutrals' were Lord Onslow (Lord Chairman of Committees), Mr. Lloyd (Recorder of Chester), Sir George Macdonogh (ex-Adjutant-General), Sir W. Buchanan Riddell (Principal of Hertford College, Oxford) and Sir Arthur Myers (New Zealand ex-cabinet minister and Mayor of Auckland), who was later succeeded by Mr. Norman (Diplomatic Service).

The strengths of the parties were thus: Counties 3, Boroughs 3, Urban Districts 1, Rural Districts 1, 'neutrals' 5.

<sup>2</sup> Dent, M.71-72 (III. 629); Postlethwaite, Q.22427-22474 *passim* (VI. 1331-1334).

<sup>3</sup> Gibbon, M.212 (I. 185), Q.2271 (I. 93).



Inspectors<sup>1</sup> showed that they had had the opportunity of acquiring other qualifications—such as the technique of holding legal inquiries and weighing evidence—and that in view of the trouble taken the cost of the inquiry was not excessive. This had been one great cause of complaint, especially as in the case of the Plymouth application it had amounted to £20,000.<sup>2</sup> On the other hand, the County Councils Association claimed that the procedure did not enjoy the full confidence of the counties; they thought that too much attention might be directed to technical questions, like the provision for the sewerage of the area included in a proposed extension—rather than the general problems of county administration as a whole.<sup>3</sup>

The borough making the application had to show that its administrative record in the past had been a good one. The representatives of the boroughs had no difficulty in showing the high level maintained by them, and they claimed that a population of 50,000 entitled them to gain the administration of such services as they did not already administer by becoming county boroughs. Indeed, they urged that the high standard obtained by existing county boroughs was due to the concentration of all services in the hands of a single authority, operating over a compact area, resulting in an efficient and economical administration, and a relatively keen public interest in the work of the local authority. There was a considerable divergence of interest between the counties and the large non-county boroughs within their areas. This divergence of interest was traditional, and could be traced back to the long-standing desire for municipal independence.<sup>4</sup> Yet it was not only a question of tradition, but of practical interest. The urban ratepayers thought they were not properly represented on the county council, and if there were only one or two boroughs in the county, they would be in a permanent minority.<sup>5</sup> 'The urban representatives were on the whole more inclined to undertake the expenditure required for new or developing services, and the representatives of such areas had on the whole a minority of the membership of the county councils.'<sup>6</sup> The sort of expenditure, which was vital to a borough—particularly

<sup>1</sup> Norton, M.12 (II. 313); Hetherington, Q.5745–5749 (II. 370).

<sup>2</sup> First Report, paragraphs 477–9, pp. 172–3. Cf. A.M.C. Evidence, M.51 (VI. 1261), Q.21,215–223 (VI. 1261).

<sup>3</sup> Dent, M.71 (III. 629), Q.10,145–53 (III. 630).

<sup>4</sup> Collins, M.5 (IV. 751).

<sup>5</sup> *Ibid.*, Q.14,973–5 (IV. 920).

<sup>6</sup> First Report, p. 399. Cf. Collins, Q.16,020–24 (IV. 977).

when it was a health resort or tourist centre—might be overlooked or neglected in the mass of county expenditure.<sup>1</sup> The borough naturally felt that it was being neglected, and its inhabitants generally considered that the county council elections and county administration as a whole were too remote from them, and they would only be really interested if they had complete control of their own affairs.<sup>2</sup>

It was sometimes possible to come to a working arrangement. In Lancashire, for instance, the county council had shown a desire to meet the boroughs and had made arrangements to cover their special needs.<sup>3</sup> It was even possible to secure agreement on the vexed question of main roads. The point here was that the county council could 'main' district roads previously paid for by their own district councils, and thus put them to the charge of the county as a whole. The boroughs were always complaining that the county councils mained too many rural roads and not enough urban roads. The boroughs were thus paying more than their fair share, and Torquay, for instance, claimed that it was being charged £18,000 too much in respect of roads alone,<sup>4</sup> whilst the County Council was unwilling to keep the roads in the Borough at the standard necessary for urban, though possibly unnecessary for rural, roads. Yet, where there was goodwill, even this problem could be surmounted by an arrangement such as that in Lancashire, where the County Council had agreed to main certain roads running through towns, and to maintain them at a higher cost than the rural roads. The trump card of the boroughs was the argument that the 'wishes of the inhabitants' should be of dominant importance. This would operate even where the effect upon the County would be extremely serious, such as in the proposed constitution of Cambridge as a County Borough in 1913. This would in fact be, as the Chairman of the County Council termed it in a letter to *The Times*,<sup>5</sup> 'A bill for destroying the Administrative County of Cambridge'. Yet, said Sir Robert Fox<sup>6</sup> on behalf of the municipal corporations, if Cambridge wanted to separate from Cambridgeshire then its wishes should prevail over the objections of the County Council. A similar problem

<sup>1</sup> Collins, Q.16,002-8 (IV. 977).

<sup>2</sup> Nicholson, M.2 (V. 1127), 34 (V. 1143).

<sup>3</sup> Collins, Q.12,314 (IV. 756).

<sup>4</sup> Mitchell Winter, M.28 (VI. 1231), Q.20,591-620, *passim* (VI. 1230).

<sup>5</sup> Letter from Sir H. G. Fordham, March 4th, 1913.

<sup>6</sup> Q.7434-9 (III. 495).

arose in Bedfordshire, where the only two urban areas of any size, Bedford and Luton, both wished to become county boroughs. It was further pointed out that the rateable value per head of many boroughs was below that of the county in which they were situated, and, therefore, their separation could prove profitable to the county concerned. If the county still felt that its resources would be inadequate, it should join with other administrative counties, or be recouped at the expense of the national taxpayer.<sup>1</sup>

The counties' case was that they had built up their services, and could only organize them in the future, on the area of the county as a whole. If great areas were torn out of the county, it would be impossible for them to run their services on a proper basis; for education, highways, police, and health services, and institutional provision for mental deficiency and tuberculosis, it was essential to have *continuous* tracts of country. Further, even if it were possible for urban 'islands' to run proper services for themselves, the figure of 50,000 was too low to allow of adequate police services, educational provision or public health institutions. For instance, for specialized treatment of tuberculosis in institutions, a minimum population of 150,000 was estimated to be essential.<sup>2</sup> The educational and public health institutions could only be built to provide both for the inhabitants of the town in which they were situated and the surrounding countryside. The West Riding County Council regarded Doncaster as the proper centre at which to provide treatment in a tuberculosis dispensary not only for the town itself but for 70,000 to 80,000 people living in the surrounding districts; the proposed constitution of Doncaster, as a county borough would thus upset their arrangements.<sup>3</sup> If these towns were taken out of the county, arrangements could, indeed, be made to share the institutions. This could be done either by the formation of a joint committee, or by a contractual agreement whereby the authority owning the institution allowed it to be used by other authorities at a fixed cost per head. But the prospect of this might be uncertain, it could be cumbersome, and, if it were effectively arranged, then the new county borough would be as tied to the county in respect of the service in question as it had been previously.<sup>4</sup>

<sup>1</sup> Fox, Q.7439-40 (III. 496); Smith M.47 (V. 1652).

<sup>2</sup> Taylor Q.13 556-578 (IV. 840-41).

<sup>3</sup> Vibart Dixon Q.10,619-50 (III. 840-1); Musgrave, Q.12,552-62 (IV. 796).

<sup>4</sup> Marks, M.26-30, QQ.13,432-78 *passim* (IV. 830-34); M.54 (V. 1011); Q.16,634 (V. 1013); Keen, Q.15,396-403 (IV. 938).

The way in which, in the view of the counties, the legitimate aspirations of the boroughs could be met was by the sort of arrangement (*e.g. re* main roads) that had been made in Lancashire or Bedfordshire; further, the county councils were already operating a system of delegation, both for educational and highway administration. In Essex, for instance, 'in order to facilitate the local administration of secondary education, the County Council had formed in Ilford, as in other County Districts, a district sub-committee, composed of local residents, who were members of the County Council or District Council. This was in effect an Ilford committee, comprising Ilford people, and there was no difference of opinion between the local authority and the County Council . . . The sub-committee was given so large a discretion in the matter of expenditure, subject to the annual approval of their estimates by the County Council, that they had almost perfect freedom; and so far as secondary education was concerned, the Urban District Council would not be any better off if it were constituted into a County Borough, because the district sub-committee practically did what they liked, and paid for it within the approved estimates and the County Council did not interpose.'<sup>1</sup>

The crucial case was raised by the proposal—embodied in a draft order of the Local Government Board in 1913—to constitute Cambridge into a County Borough. The Borough of Cambridge comprised nearly half of the total population of Cambridgeshire, and its separation from the County would have had a disastrous effect upon the administration of the latter's services. 'The geographical relation of the proposed new County Borough and Administrative County are without precedent; the very centre is taken out of an area, the remainder of which becomes thus extremely weak in administrative character and poor in relation to its boundaries. The main roads radiating from the County Borough in its centre will continue to be used largely by Borough traffic, and this traffic will, undoubtedly, increase as time goes on. This will throw (subject to a comparatively short-term compensation) a greatly preponderating burden in the shape of expenditure for the maintenance of the main roads upon the rural and poor County, while the rich and urban County Borough will enjoy, as heretofore, a large share of the

<sup>1</sup> First Report, para. 902, pp. 320-1.

benefit from the users of these roads.<sup>1</sup> The main points at issue were the responsibility of the Borough for contributing to the cost of the main roads and the secondary educational system of the County. It was pointed out by the County Council that it was only fair that the Borough of Cambridge should contribute to the cost of the main roads, and that the entire population of the existing County (just over 120,000) was barely sufficient to maintain a complete educational system. If the latter were divided between two separate units, both would suffer.<sup>2</sup> If Cambridge were separated from Cambridgeshire, it would not be possible for the County, left with a mere string of rural villages, to continue as an independent administrative unit. Various alternatives were propounded—to amalgamate Cambridgeshire with the Isle of Ely and possibly with Huntingdonshire also, or to split the County up between the neighbouring Counties, Caxton and Arrington going to Huntingdonshire, Melbourn to Hertfordshire and Cottenham and the Fen villages going to the Isle of Ely.

The county councils accordingly proposed that the whole question of the constitution of county boroughs should be reopened on the basis of the original figure adopted by the Government in 1888—150,000 being the intended minimum population for county borough status. Since, however, the whole population of the country had increased from 21 millions in 1881 to 38 millions in 1921, they thought that 250,000 (or perhaps 200,000) would be the equivalent figure under the changed conditions.<sup>3</sup> The urban districts' and rural districts' representatives were prepared to raise the figure as far as 100,000 only. It was suggested that once the higher figure had been adopted, the borough applying for county borough status should first have to attain it, prove that it was efficiently governed, that its constitution as a county borough would not prejudice county administration (according to the county council's interpretation) and that the inhabitants of the borough would gain a definite advantage that would more than outweigh the disadvantage to the county.<sup>4</sup> In assessing these considerations, special attention should be paid to the cost of the provision of main roads, higher education and public

<sup>1</sup> County Councils' Association Official Gazette, April 1913.

<sup>2</sup> See letter from Sir H. G. Fordham to the Vice-Chancellor of Cambridge University, dated 8th February, 1913.

<sup>3</sup> Dent, M.67 (III. 549); Taylor, M.32 (IV. 839); Long, M.5 (III. 563). See also QQ.6548-52, 8604-6, 10,141, 13,578-612.

<sup>4</sup> Postlethwaite, M.6 (VI. 1326); Pindar, M.30 (VI. 1376).

health institutions.<sup>1</sup> The town councils rejected the argument of the counties, drawn from the general increase in the population, but said that, even if it were considered, it would raise 50,000 only to 60—70,000.<sup>2</sup> Indeed, there was a case for giving even smaller boroughs than those with 50,000 population full powers, if they could efficiently exercise them, or if special circumstances demanded them.<sup>3</sup> To raise the limit would rob existing boroughs, which had reached the 50,000 population limit, of their chance of independence, whereas if they had to wait till they reached 250,000 then their excision from the county at that stage would really be a crippling loss.<sup>4</sup> In the last resort, the wishes of the inhabitants of the area in question should predominate.

The Royal Commission recommended the raising of the minimum population for the constitution of a county borough to 75,000,<sup>5</sup> and that to prevent differences between county councils and other authorities within the county with regard to main roads (1) the urban authorities should have a right of appeal to the Ministry of Transport against a county council's decision not to main a road in their area;<sup>6</sup> (2) the county council should consider contributing, as provided under Section 11 (10) of the Local Government Act of 1888, to the cost of roads in urban areas which had not been mained;<sup>7</sup> and (3) that differences about the cost of maintaining roads should be referred to the Ministry of Transport.<sup>8</sup>

#### D. *Extensions of County Boroughs*

'Since the passing of the Act of 1888, County government has developed to an extraordinary degree, and its whole complexion is changed—and the Boroughs can no longer regard the County area as so much new material with which to satisfy their acquisitive appetites.'<sup>9</sup> The following table<sup>10</sup> shows the volume of extensions to which the County Councils took such exception :

<sup>1</sup> Vibart Dixon, Q.10,446-54 (III. 644).

<sup>2</sup> Fox, Q.7382 (III. 493); Smith, Q.17,091-100 (V. 1046).

<sup>3</sup> Collins, Q.12,338-41 (IV. 757); Winter, Q.20,456-76 (VI. 1225); Smith, 1.17,123(V. 1047).

<sup>4</sup> Collins, M.20-22 (IV. 968), Q.16,386 (IV. 997).

<sup>5</sup> First Report, paras. 1259-1263, pp. 470-471.

<sup>6</sup> Para. 1251, p. 468.

<sup>7</sup> Paras. 1252-4, p. 468.

<sup>8</sup> Paras. 1255-8, p. 469.

<sup>9</sup> Sir J. C. McGrath, *Journal of Public Administration*, 1925, p. 304.

<sup>10</sup> Dent, M.18-19 (III. 451). Appendix LXIII, Table A (III. 481).



<i>Date</i>	<i>Extensions</i>		<i>Under 500 acres</i>		<i>500—1,000</i>		<i>Over 1,000</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
1888-98 ..	37	17	45.95	5	13.51	15	40.54	
1899-1909 ..	33	10	30.3	4	12.12	19	57.58	
1910-1919 ..	28	8	28.57	6	21.43	14	50.0	
1920-1922 ..	11	2	18.18	2	18.18	7	63.0	
	109	37		17		55		

Typical extensions are exhibited in the following table<sup>1</sup> which shows the handling they received at various stages in their passage from the original resolution to confirmation by Parliament.

<i>Date</i>	<i>County Borough</i>	<i>Application</i>	<i>Provisional Order</i>	<i>As confirmed by Parliament</i>
1909	Birmingham ..	30,338	Slight reduction	30,123
1919	Nottingham ..	39,579	Refused by Minister	—
1919	Sheffield ..	107,158	6,686	6,686
1920	Leeds ..	32,818	16,521	Rejected
1920	Bradford ..	30,453	10,149	Rejected
1920	West Bromwich ..	12,569	Postponed	
1920	Walsall ..	13,640		
1921	Wolverhampton ..	12,989	Withdrawn by Minister	

This table shows that although the original suggestions made by the county boroughs were considerable, they were greatly reduced by the time they came into effect. Indeed, only four times did extensions finally exceed 10,000 acres—1898, Bolton (12,922 acres by Local Act); 1899, Bradford (12,088 by Provisional Order); 1911, Birmingham (30,123 by Provisional Order); 1918, Swansea (16,598 by Provisional Order).<sup>2</sup>

It is not necessary to go into a detailed exposition of the arguments raised for and against the extension of county boroughs, but it is interesting to note that the positions taken up by counties and county boroughs with regard to extensions were to some degree the exact reverse of those they took up with regard to the constitution of county boroughs. It was now the turn of the county councils to claim that the wishes of the inhabitants should be decisive, if the inhabitants of the area to be transferred were against the proposal to extend the county borough. 'It should be accepted as a principle that if the wishes of the inhabitants of a proposed added area were opposed to the inclusion of their area in a county borough, their opposition should "subject to an overwhelming case of public interest" be a conclusive ground for the rejection of the county

<sup>1</sup> *Ibid.*, M.20.

<sup>2</sup> Evidence of Ministry of Health (given by Sir Gwilym Gibbon), Appendix XXIII, Table B (I.182).

borough's proposal to include that area.<sup>1</sup> On the other hand, the county boroughs now recanted from the standpoint they had previously taken up with regard to the wishes of the inhabitants in relation to the constitution of county boroughs. Then, if the inhabitants of a borough wished to become a county borough, it had been argued, they should be granted their wish, whatever be the effect upon the county; *fiat justitia ruat coelum* was the attitude of Sir Robert Fox with regard to Cambridge and Cambridgeshire. But, if the inhabitants of an urban district, which it was proposed to include in a county borough, objected, then it had to be remembered that, in the words of Sir David Brooks, ex-Lord Mayor of Birmingham, 'It is the common fate of many a new proposition (whether concerned with borough extension or not) to be met by a body of opinion based on prejudice or vested interests, which have little to do with the merits of the innovation'.<sup>2</sup> Or again, 'I submit that although the express will of the people is entitled to full consideration, the manner in which it is formed, and the reasons on which it is founded, must in every case be examined and weighed against the advantages of the scheme to the community as a whole, in order that the opinions and prejudices of the then present body of inhabitants, founded on considerations such as I have referred to, may not enure to the permanent injury of the future local government of the entire area'.<sup>3</sup> These sentiments might well have been uttered by representatives of a county council objecting to the creation of a new county borough.

In a similar way, it was now the turn of the town councils to plead the advantage of the administration of services over an extended area. By expanding their boroughs, they could benefit the inhabitants of both the original and the added areas. There would be the economy of pooled services and efficiency through unified management. Indeed, the representatives of the town councils thought that this unification of areas could go on till the county borough had a population of a million,<sup>4</sup> or, in the view of Sir David Brooks, of two millions.<sup>5</sup> They did not think that the L.C.C. two-tier system

<sup>1</sup> See the judgment of Lord Kintore in the Birkenhead case, 1920; also Dent M.64 (III. 549), and Holland, M.33 (V. 1120).

<sup>2</sup> Brooks, M.11-12 (IV. 882-3).

<sup>3</sup> *Ibid.*

<sup>4</sup> Fox, Q.7544-51 (III.506).

<sup>5</sup> Brooks, Q.14,679-792 (IV. 904-7).

could be applied in the very large county boroughs, as this would remove the concentration of interest which had so greatly increased the efficiency of the county borough system of administration. The county councils were so struck by the continued erosion of their areas, even if each individual extension was not so large, that they advocated that future extensions should be limited to boundary changes only and, where more considerable extensions were suggested, they should not be carried out when they would have a damaging effect upon the administrative integrity of the counties concerned.<sup>1</sup> The county boroughs were parcelling out the administrative counties into spheres of influence of their own, and though each individual change might be small, the counties had to consider the cumulative effect.<sup>2</sup> The latter could not plan for the future so long as the integrity of their own areas was uncertain. Further, it was necessary to get really large areas for the planning, if not for the execution, of such services as water, gas, electricity, transport and town planning. Even the greatest reasonable extension would be inadequate to provide areas for these; the solution should be joint committees. But the counties were afraid to form joint committees under existing circumstances—or to arrange for a district near a county borough to be provided with public utility services by it—because they feared that it would be used as an excuse for county borough extension.<sup>3</sup> One instance is that of Gosforth, which pumped its sewage up 90 feet into another watershed, in order to avoid pumping it through Newcastle, and thus giving the latter a pretext for annexing it.<sup>4</sup>

The county boroughs said that their boundaries should be extended as far as would enable them to catch all the persons who slept outside the borough but came into it to work. To do this would involve a chase across more than one county.<sup>5</sup> Nor could 'the continuous built-up area' be adopted as the criterion, since, in an industrialized county, that would mean including great tracts merely because their buildings were continuous with those of a county borough. In regard to this question of the 'continuous area'

<sup>1</sup> Dent, Q.6720-1 (III. 453); Q.8437-44 (III. 550).

<sup>2</sup> *Ibid.*, M.20 (III. 451).

<sup>3</sup> Taylor, Q.10,014-5 (III. 621).

<sup>4</sup> Report of the Commissioner on conditions in Durham and Tyneside, 1934, p. 87 (Cmd. 4728).

<sup>5</sup> Dent, M.43 (III, 526).

and the advisability of joint authorities, there was again an antithesis between the evidence given by the opposing sides, when testifying as regards the creation and as regards the extension of county boroughs. Thus, while when opposing the constitution of county boroughs it was the counties who stressed the necessity for a continuous area with a balanced community, it was the boroughs who put this in the forefront of their case when appealing for their own extension. 'I think the whole question of a County involves the idea that within the area, which is generally a large one, there shall be a variety of population—that in the poor districts, comparatively thickly populated, and that in the thinly populated districts—and the cost of the services for the whole County are spread over the whole, and in fact the richer people do assist the poorer.'<sup>1</sup> On the other hand the boroughs also said: 'It comes to this, that unless you have a balanced community of good-class property and poor-class property, the district suffers badly on the rateable question. I think that puts it excellently. It must be a well-balanced district or you get very high rates.'<sup>2</sup>

With regard to joint authorities and schemes, the county council representatives had previously opposed their use, when it was suggested that they might be brought in to overcome any difficulty caused by the constitution of new county boroughs. 'If it be suggested that some sort of joint scheme should be made by which the County Council and Doncaster can enter into partnership, I have to point out that any scheme of this kind might leave the ultimate financial responsibility with the two Councils, and at best would be an imperfect restoration of the previously existing administration.'<sup>3</sup> But when it came to the extension of county boroughs, the joint authority was pointed to by the county councils as the way out. 'No ground for extension is constituted by the fact that a county borough supplies various services, such as gas, water, electric light, sewage disposal, and transport to outside authorities. In fact, the establishment of joint arrangements is, as has been pointed out, the proper method of providing for such common administration of a particular service. . .'<sup>4</sup> 'If a district requires certain services from the county borough, and they are agreeable to

<sup>1</sup> Dent Q.7163 (I. 475).

<sup>2</sup> Marks Q.16,720 cf. also Smith M.23 and Fox Q.7434.

<sup>3</sup> Vibart Dixon M.12 (III. 641).

<sup>4</sup> Dent M.65 (III. 549).

supply those services, then those services should be paid for, and it simply means, instead of all this unrest and constant disturbances of local government, that they put their heads together and in the case of two neighbouring authorities, they agree that a certain payment should be made for certain services rendered. I do not consider that any of the points that are put forward could not be arranged in that way.<sup>1</sup>

To these arguments, the town councils replied with ones similar to those used by the county councils in regard to the constitution of new county boroughs. When stressing the need for balanced communities, they stated that they needed a rateable value averaging at least £18—possibly £25—per house—and in order to obtain this they should be able to include the richer residential or commercial quarters, which might well be outside the county borough boundaries.<sup>2</sup> Joint committees were a makeshift, and direct, unified administration was the more desirable alternative for the provision of services for the whole of a great conurbation:<sup>3</sup> 'It is much easier to control a thing yourself, or by people you appoint than to have half a dozen people with different interests trying to control the same thing . . . You cannot obtain by means of special arrangements the same control and the same uniformity of working as you can by means of an extension. We have had experience of that. . . .'<sup>4</sup> The negotiations and contractual relationships gave rise to friction between the authorities concerned, when they had to try and run a service jointly.<sup>5</sup> In one case, a county district had refused to join in a town-planning scheme, and a rapidly developing area could not be planned. The town councils reviewed all the services, to show that in each case a useful administrative area would be to the advantage of all, and urged that the county borough, to effect economical sewerage, should be extended to cover the whole of the watershed area in which it stood, and that this had been the object of the 1918 Swansea extension, and that proposed for Leeds in 1920 ; the latter would have taken in two whole municipal boroughs and the whole or part of 11 urban and rural districts.<sup>6</sup>

<sup>1</sup> Hinchliffe Q.8905 (III. 573).

<sup>2</sup> Collins, Q.15,869-99 (IV. 969-71).

<sup>3</sup> Brooks M.8 (IV. 880).

<sup>4</sup> Brooks QQ.14,201-213 and *passim*.

<sup>5</sup> Howitt M.25-6, QQ.21,531-43 (VI. 277-8).

<sup>6</sup> Fox QQ.8006-8012 (III. 528); Lang-Coath Q.19,741 (VI. 1191).

How were the Royal Commission to adjudicate between these conflicting contentions? Composed as it was largely of representatives of the interests concerned, it did not come to any really decisive judgment either way. It recommended that the wishes of the inhabitants of the areas affected should be given considerable weight, and should not be overruled, unless 'it is shown that there are considerations of public advantage, which in the opinion of the proper authorities are more weighty and of greater importance than the objections of the inhabitants'.<sup>1</sup> They also recommended that offers of a lower differential rate, made by the county boroughs to inhabitants of areas they proposed to include within their boundaries, should be regulated so as not to constitute a bribe to the districts concerned, but should only be made for valid reasons—*e.g.* if the county borough could not for a number of years offer full services to the newly included area.<sup>2</sup> The Commission thought that in general all arguments, for or against extension, should be admitted into consideration, and be examined on their intrinsic merits<sup>3</sup>—except that they did not hold that arguments based on the existence of common trading service provision should be considered as grounds for extension, unless there were special circumstances, nor that the fact of co-operation of two authorities in a joint town-planning scheme should be considered as evidence that an extension was either desirable or unnecessary, and that factors affecting education should be considered in relation to the provision of education over the area as a whole; in this, they accepted to some extent the submissions of the county councils.

#### *E. From the Royal Commission Report to 1939*

All the above recommendations, together with provisions for financial adjustments (a subject not treated here), were incorporated in the Local Government (County Boroughs and Adjustments) Act of 1926. By an examination of the changes which have taken place since 1926—and more particularly since the Local Government Act of 1929—it is possible to assess to some extent the effect which the recommendations of the Royal Commission have had upon the county-county borough relationship, and in what way the situation since their report in fact differs from that preceding it. It is first,

<sup>1</sup> First Report, para. 1269, p. 472.

<sup>2</sup> Paras. 1270–1274, p. 473.

<sup>3</sup> Para. 1275, p. 474.



however, necessary to review briefly the amended procedure established by the Act of 1926. This provided that :—

(1) No municipal borough could be created a county borough by Provisional Order—but only by Local Act. This was a much more expensive method and would act as an automatic deterrent.

(2) No municipal borough could promote a bill for this purpose unless it had a minimum population of 75,000.

(3) When a county borough applied for extension of its boundaries all other local authorities likely to be affected had to be notified and could give notice of objection. If no objections were made—or, if made, withdrawn—the Minister could make a Provisional Order embodying the county borough's proposals. If objections were made, the Provisional Order could not be made, and the matter could only be proceeded with by way of a Local Bill.

(4) In all cases covered by the Act, the Minister was to see that adequate financial adjustments were arrived at to cover any losses of rateable value suffered as a result of boundary changes. These provisions were repeated in the consolidating Local Government Act of 1933 (Section 139). In addition, the provisions of Section 140 of the same Act, included the following provisions affecting county boroughs :

A county council could propose to the Minister the union of the county with a county borough.

A county borough could propose to the Minister its own incorporation within a county.

Under Section 143, a county council and a county borough could make a joint representation to the Minister for a mutual adjustment of their boundaries. In addition, the County Review Order procedure (cf. *infra*) has sometimes involved the ceding of small areas to county boroughs.

Since the 1926 Act, no major changes in the status of county boroughs has come about. Only one new county borough, Doncaster, has been created; no county boroughs have been merged with counties. But the number of piecemeal extensions has been very large. During the period 1929 to 1937 the boundaries of 50 county boroughs (out of a total of 83) have been altered, and 49 of these have received extensions. There were 154 changes involving extensions of the county borough areas, and 26 involving their diminution. The total extent of the former was 111,616 acres, of the

latter 771 acres—a net gain to the county boroughs of 110,845 acres. This, it may be noted, is twice the area of the County Borough of Birmingham, and much larger than that of the Isle of Wight. The total population in the area transferred to the county boroughs was 151,424; the total lost by them was 982—a net gain of 150,442—more than the population of Brighton or Birkenhead, and considerably more than that of Cambridgeshire. The average gain in population to each county borough extended was about 3,000, but 19 of the 49 gained more than this figure:—

<i>Name</i>		<i>Area (acres)</i>	<i>Population</i>
Bournemouth	... ..	4,668	3,990
Bradford	... ..	4,530	5,708
Bristol	... ..	5,689	6,963
Chester	... ..	1,279	4,307
Coventry	... ..	6,310	11,043
Huddersfield	... ..	1,315	7,209
Hull	... ..	5,049	3,636
Leicester	... ..	8,398	10,146
Manchester	... ..	5,596	5,552
Newcastle	... ..	2,636	3,099
Newport (Mon.)	... ..	2,845	9,244
Northampton	... ..	2,732	4,205
Nottingham	... ..	5,240	7,388
Rochdale	... ..	3,110	5,264
Rotherham	... ..	2,011	5,536
Sheffield	... ..	5,432	6,500
Southend	... ..	3,229	9,668
Wolverhampton	... ..	2,011	5,536
York	... ..	2,679	9,253

A comparison of the figures for this period with those for the period before the 1926 Act shows that, whereas the changes effected each year decreased the number of persons lost to the counties, their average annual loss of acreage increased. Thus in the earlier period the rough annual average loss of population was 46,000 and, counting the creation of new county boroughs, over 80,000. During the 1929-1937 period it was only about 17,000 annually. On the other hand, the acreage figures for the earlier period averaged 6,700 or, with the new county boroughs included, about 10,000. In the more recent period, however, the annual average transfer of acreage rose to about 12,300. Some explanation of this fact can be found in the piecemeal nature of the post-1926 changes, which were numerous, but mainly concerned with little strips of territory. This is confirmed by the discovery that some county boroughs had their boundaries extended

two of three times in so short a period as ten years. The changes were in no sense comprehensive, but intended purely to deal with some local problem. While an attempt was made to incorporate each suburb as the town expanded, the problem of the relation of the area as a whole to its urban centre was not settled. No solution was sought for the whole question of the relation of county to county borough. The changes made were essentially local and even opportunist, nor was any plan evolved in these changes for the integration of the city with its dependent countryside.

*F. Areas within the County : From 1894 to the Royal Commission*

Just as the period from 1888 to the appointment of the Royal Commission on Local Government was one of continual encroachment by the county boroughs upon the areas of the counties, the position within the counties was of an analogous character. Thus urban districts and municipal boroughs were constantly obtaining rectifications of their boundaries. Between 1888 and 1926 the areas of 107 municipal boroughs, 297 urban districts and 134 rural districts were altered ;<sup>1</sup> and in most cases, this involved an extension of the urban areas. But even more important was the creation of new urban areas. This took the form of the constitution of new urban districts and the promotion of urban districts to become boroughs. The desire to become a borough was prompted not merely by a desire to gratify aspirations to a higher dignity and civic status, but also to obtain certain functions which were confined to boroughs; further to become a borough was an essential step on the road to county borough status.

The procedure for applying for a Charter of Incorporation was regulation by §210-218 of the Municipal Corporations Act of 1882 and §56 of the Local Government Act of 1888. The application had to be submitted to the Privy Council by a majority of the householders both in number and rateable value; evidence must be adduced about the growth of the town and the development of its industries; it must be shown that the town was already well administered, had the proper equipment for municipal administration and possessed the necessary elements of a distinct civic life. In general, a population of 10,000 at the last previous census was insisted upon and between 1889 and 1926 only two ancient towns—Fowey and Abergavenny—

<sup>1</sup> Gibbon, M.194 (I. 81)

were granted charters, when their population was less than 10,000. Fifty-three others received charters during the period. Four (Aylesbury, Hemel Hempstead, Morecombe and Pudsey) had populations between 10 and 15,000 when they submitted their applications. Eight (Bridlington, Brighouse, Burton, Dukinfield, Haslingden, Ossett, Redcar and Stourbridge) between 15 and 20,000, six (Colne, Lytham St. Anne's, Rawtenstall, Thornaby-on-Tees, Todmorden and Whitehaven) between 20 and 30,000, ten (Aldershot, Blyth, Bromley, Gosport, Llanelly, Nelson, Richmond, Torquay, Twickenham and Worthing) between 30 and 40,000, nine (Chatham, Eccles, Hove, Leigh, Mansfield, Nuneaton, Wallsend, Watford and Widnes) between 40 and 50,000 and seven over 50,000 (Acton, Ealing, Gillingham, Hornsey, Ilford, Swindon and Wimbledon). In addition, there are, not included in this list, six which became county boroughs (Bournemouth, East Ham, Merthyr Tydfil, Smethwick, Southend, Wallasey) and one (Aston Manor) ceased to exist.<sup>1</sup>

The formation of urban districts was even more striking. Between 1889 and 1927, 270 had been formed. With the exception of Penge, (which was specially formed under the Local Government Act of 1888) urban districts could be formed by the promotion of a Local Act, or an application of the ratepayers to the Minister under §272 of the Public Health Act of 1875, or by a county council, subject to the confirmation of the Minister, under §57 of the Act of 1888. The operative cause was the provision concerning the levying of special rates. The Public Health Act of 1875 provided that where water supply or sewage or similar works were carried out by a rural sanitary authority for the benefit of a particular part of the district, then a 'special' rate should be levied on the area benefiting from the works. This principle was subsequently re-enacted right down to §190 of the Local Government Act of 1933. Under it, water-supply, scavenging, sewage, etc., were thus charged on the parish benefiting (or a 'special drainage district' defined under §277 of the 1875 Act). Thus, as a village increased its population and required special sanitary services, it had to pay for them; but the control rested with the rural sanitary authority or later the rural district council. In order, therefore, to get control of the services from which it alone benefited, and for which it alone had to pay, the village would seek

<sup>1</sup> R.C.L.G. IX 1815 App. CIII.

incorporation as an urban district. 'There has been a constant tendency for the component parts of a rural district to break away, and this tendency is accentuated by the policy of retaining the incidence of parochial charge for many of the services rendered by the local authority. It is only natural that when the charges for water-supply, sewerage, sewage disposal, scavenging, street-lighting and other works are borne entirely by the parish, the ratepayers will begin to move for severance from the rural district as soon as they think there is a prospect of attaining an independent status.'<sup>1</sup> There was, of course, the 3,000 limit imposed under the Act of 1863, by which no parish under 3,000 population could be incorporated as an urban district without special permission of the central department. Still '... when they get to anything like a population of 3,000 or 4,000 they begin to work up a little agitation. "We are all paying for our own services. Why should we not have our own council to control them?"'<sup>2</sup> Not only, therefore, were numerous urban districts formed (270 between 1888 and 1926) but many of these were very small. On April 1st, 1927, there were 16 urban districts under 1,000 population, 63 between 1 and 2,000, 72 between 2 and 3,000, 74 between 3 and 4,000, 77 between 4 and 5,000. In all 302 (out of a total of 785) urban districts had less than 5,000 inhabitants. There were 222 with between 5,000 and 10,000 and 178 between 10,000 and 20,000. In other words, 524 out of 785 were under 10,000 population. The figures with regard to rateable value and the product of a penny rate were similar. Of the 782 urban districts in 1921 (there were three more in 1927) 83 had a rateable value of less than £10,000, 150 of between £10,000 and £30,000, 125 of £20,000 to £30,000, and 161 of £30,000 to £50,000. Thus 519 out of 782 urban districts had less than £50,000 of rateable value, the equivalent of 10,000 population, taking the common contemporary reckoning of an average of £5 rateable value per head of the population.

These small urban districts were not to be regarded as capable of becoming independently workable units. Their existence as islands in the middle of rural districts constituted an administrative problem for the rural district councils. 'In many rural districts there is a number of small urban islands, dotted about their areas,

<sup>1</sup> R.C.L.G. W. B. Pindar M.41.

<sup>2</sup> R.C.L.G. Pindar Q.29,887 (X. 1871).

most of which have to be traversed by the rural council's officers in the course of their duties, and such a state of things does not conduce to convenience of economy in administration. There are 300 of them with a population of less than 5,000. They are for the most part nothing more than large rural villages . . . local government in rural districts would be improved if all, or nearly all, of these very small urban districts were de-urbanized and became constituent parts of the surrounding rural districts'—thus the testimony of a spokesman of the rural districts.<sup>1</sup>

The rural districts themselves, however, showed a similar number of small units and here too there was an historical reason for their appearance. In about 181 cases the old rural sanitary districts—based on the poor law unions—overlapped the county boundaries, and the Local Government Act of 1894 (Section 361) provided for bringing them all within a single county. County councils had already been required to deal with such overlapping under Section 57 of the Local Government Act of 1888.<sup>2</sup> In some cases the county councils made orders between 1889 and 1894, dividing the rural districts into two or more separate districts along the lines of the county boundaries. Between the passing of the Acts of 1894 and 1927, 118 new rural districts were created, and, in all except 3 of these cases, the formation of the new district was due to the fact that the county boundary cut across the old rural sanitary districts. 45 of these new rural districts had populations of less than 3,000 at the census of 1921, and at that time 58 rural districts altogether were below that figure in population. It follows, therefore, that over three-quarters of the rural districts with populations of less than 3,000 came into existence as a result of the provisions of the 1894 Act, designed to restrict rural districts to a single county. Of course, this splitting of the rural districts tended to make the average size of all rural districts smaller, because in each case where a small new rural district was created, the original rural district was itself correspondingly lessened. The method adopted in splitting the rural districts along the county boundary lines followed the general pattern that had been proposed by the Boundary Commissioners appointed under the Local Government Boundary Commission Act of 1887. But whereas the Commissioners had tried to get areas with

<sup>1</sup> Pindar M.47 (X. 1872).

<sup>2</sup> See R.C.L.G. Robinson App. C. (IX. 1816).



some community of interest, and suggested numerous adjustments and rectifications of the county boundaries, little of this was done in the changes subsequent to the Act of 1894. Here the motif was much more the automatic principle of splitting the rural sanitary district along the lines of the county boundary, without alteration to meet the needs of local circumstances. Further, it must be remembered that when the Boundary Commissioners recommended the formation of a new 'Contributory Union' for poor law purposes by splitting a poor law union along the county boundary line, they intended that it should remain in close association with the rest of the original union across the county boundary, by sharing the workhouse and so on. On the other hand, the new rural districts had no continued administrative connection with the former partner district across the county boundary.

Even with the operation of this rule, it was not however possible in every case to get the rural districts all within a single county. In a few cases, county councils exercised the discretion given them by the Act of 1894 to keep a rural district in more than one county. Thus in 1921 there were still 8 rural districts overlapping the county boundaries; it is true that three of these were on the borders of Gloucestershire, Warwickshire and Worcestershire, where the chaotic fragmentation of county areas made this unavoidable. Faringdon R.D. had 55,726 acres and 10,098 population in Berkshire, with 3,870 acres (pop. 1,048) in Gloucestershire; Holsworthy R.D. had 79,518 acres (pop. 6,690) in Devonshire and 5,302 acres (pop. 344) in Cornwall; Stow-on-the-Wold 42,203 acres (pop. 6,205) in Gloucestershire, 2,289 acres (pop. 295) in Worcestershire; Tetbury R.D. 26,300 acres (pop. 3,528) in Gloucestershire, and 3,271 acres (pop. 370) in Wiltshire; Tewkesbury R.D. 28,366 acres (pop. 4,687) in Gloucestershire and 10,019 acres (pop. 2,143) in Worcestershire; Winchcomb R.D. 55,529 acres (pop. 8,912) in Gloucestershire and 1,560 acres (pop. 107) in Worcestershire; Oundle R.D. 8,611 acres (pop. 1,020) in Huntingdonshire and 58,677 acres (pop. 6,524) in Northamptonshire; Thrapston R.D. 36,836 acres (pop. 10,289) in Northamptonshire and 10,448 acres (pop. 818) in Huntingdonshire.

A similar device was to form a new and small rural district in one county, but allow it to be administered by the larger part of the original rural sanitary district in an adjoining county; the two areas were still associated in the same poor law union till 1929.

Thus 4 English and 4 Welsh rural districts all administered small rural districts in neighbouring Counties. Shardlow R.D. in Derbyshire administered a Nottinghamshire R.D. composed of the Parishes of Kingston-on-Soar and Ratcliffe-on-Soar (2,466 acres, 400 pop.); Newent R.D. in Gloucestershire did the same for the Worcestershire Parishes of Redmarley D'Abitot and Staunton (5,305 acres, 1,043 pop.); Barnack R.D. in the Soke of Peterborough administered the R.D. of the Parish of Sibson-cum-Stibbington (1,542 acres, 408 pop.) in Huntingdonshire; Shifnal R.D. in Shropshire administered a Staffordshire R.D. comprising the Parishes of Blymhill and Weston-under-Lizard (5,462 acres, 689 pop.). In Wales, Rhayader R.D. (Radnorshire) administered Llanwrthwl Parish and Rural District in Brecknockshire (20,169 acres, 372 pop.); Neath (Glamorganshire) the Brecknockshire Parishes of Ystradfellte Upper and Lower (19,355 acres and 649 pop.), Conway R.D. (Carnarvonshire) had the Denbighshire Parishes of Llanellian y Rhos and Llan Santffreid Glan Conway (8,771 acres, 1,723 pop.), while Machynlleth R.D. in Montgomeryshire administered two R.D.s—that composed of the Parish of Ysgubor-y-Coed (1,043 acres, 418 pop.) in Cardiganshire and that of Pennal Parish in Merionethshire (8,814 acres, 773 pop.). In several of these cases the arrangement was merely a makeshift substitute for the suggestions made by the Boundary Commission of 1887 that the County boundary should be altered to keep intact the Union area (Newent, Barnack—the old Stamford Union, Shifnal, Rhayader, Neath, Conway). A typical case of the need for this was provided by the example of the Ystradfellte Parishes, separated from the rest of Brecknockshire by a range of mountains, and which could only be administered by Neath R.D., to whose Rural Sanitary District they had formerly belonged; two members represented Ystradfellte on the Neath R.D.C.<sup>1</sup>

The main feature of the structure as it struck observers at the time of the Royal Commission was that there was a great variety in the area, population and rateable value of authorities within the same class and that many of them appeared to have so small a size and financial capacity as to make it *prima facie* unlikely that they could efficiently execute the duties laid upon them by Parliament. If the disparities in the sizes of counties (from Rutland to the West Riding) or in county boroughs (from Canterbury to Birmingham) be

<sup>1</sup> R.C.L.G. Windsor Williams M.65; QQ.31,037 (X. 1939).

passed over, the position as regards county districts was remarkable enough, as the following tables demonstrate. In 1927, there were 1,698 county districts—255 non-county boroughs, 785 urban districts and 658 rural districts. Their populations—1921 census—were:

<i>Population</i>	<i>Boroughs</i>	<i>Urban Districts</i>	<i>Rural Districts</i>
Under 1,000	1	16	10
1,000—2,000	13	63	17
2,000—3,000	19	72	29
3,000—4,000	20	74	28
4,000—5,000	13	77	42
5,000—10,000	40	222	216
10,000—20,000	53	178	229
20,000—30,000	33	45	67
30,000—50,000	50	28	15
50,000—100,000	12	6	5
Over 100,000	1	4	—
<i>Rateable Value</i>			
Under £10,000	19	83	9
£10—20,000	34	150	27
£20—30,000	26	125	40
£30—40,000	16	91	58
£40—50,000	13	70	47
£50—60,000	17	47	49
£60—70,000	13	51	55
£70—80,000	9	20	57
£80—90,000	6	21	47
£90—100,000	10	24	48
Over £100,000	90	100	226

The financial capacity of the 594 authorities with populations under 5,000 was weak. In only one of them—a Rural District—did a penny rate raise over £200, and in 8 between £150 and £200; in all the others it was less than £100; £50—£100: 33 boroughs, 132 urban and 65 rural districts; £20—£50: 28 boroughs, 107 urban and 32 rural districts; Under £20: 4 boroughs, 25 urban and 6 rural districts.<sup>1</sup>

What this low product of a penny rate means is most vividly expressed by a story told by Mr. Lewis Silkin in the House of Commons on the Second Reading debate upon the Boundary Commission Bill in 1945. 'I remember in one town, with which I am familiar, a boy who had been sent to the University by the Local Authority, was seen walking about, and the mayor was heard to say "There goes a fourpenny rate"'.<sup>2</sup>

<sup>1</sup> *Ibid.*, Robinson (IX. 1717–1716).

<sup>2</sup> House of Commons Official Report, May 9th, 1945, c. 1958.

Bound up with this question of financial incapacity and variations of size between authorities of the same legal status was that of the inequitable distribution of powers and duties between classes of authority. It was pointed out that a rural district with a population of, say, 50,000 was excluded from functions that could be performed by a borough with 15,000. The problem was described by the Ministry of Health as being one of 'asymmetry of function' resulting from the number of authorities of differing origin, population and rateable value in the same legal class, and this diagnosis was accepted by the Royal Commission on Local Government.<sup>1</sup> The remedies proposed for it can be broadly classified into two groups—those concerned with the general structure of local authorities and their areas, and those concerned with a redistribution of functions between the different classes of authority—and the present study is directed mainly to the former group.

On the main remedy there was a substantial and general agreement. Previously, changes in areas and boundaries had been carried out piecemeal; county councils prepared orders for the changes relating to urban and rural districts and parishes under Section 57 of the Local Government Act of 1888, but each case was generally dealt with individually as it arose; borough councils applied direct to the Minister for orders making changes in their boundaries. It was accepted that there should be some general review—county by county—thus ensuring that changes recommended would follow a plan covering a wide area, and would obviate the difficulties involved in a series of individual, and perhaps sometimes conflicting, adjustments. The County Councils' Association suggested to the Royal Commission that the county councils—as authorities principally responsible for making orders under Section 57 of the Act of 1888—should be entrusted with the review; that the non-county boroughs should consent to waive their right to individual treatment, and that the county councils should then present schemes for a general review to the Minister of Health.<sup>2</sup>

To this the boroughs assented, although they agreed to waive their special privileges only if there was a proper consultation of interests affected and not a 'cut and dried' plan; all district councils, and county boroughs also, should have the right to propose alter-

<sup>1</sup> Royal Commission, IInd Report, p. 8, para. 23

<sup>2</sup> Dent, Hinchliffe and Holland (X. 1980 *sqq.*)

ations, and if the scheme did not find complete acceptance, there should be a local inquiry; of course, the boroughs made it clear that they were waiving their privilege only for the specific purpose of the County Review.<sup>1</sup> Substantial agreement was also forthcoming from the urban districts and the rural districts<sup>2</sup> through their respective associations, though they too stressed the need for full consultations of all local authorities whose interests were involved. The Royal Commission accordingly recommended that there should be a periodical general review of county districts and parishes, within a specific period after the passing of the necessary legislation. It should be in accordance with the following procedure. The county council would submit a plan of review, which would provide for the alteration of areas or their amalgamation, the conversion of an urban into a rural, or a rural into an urban, district, the transfer of the whole or part of a district to another district, or the formation of a new district; there would also be power to alter parochial boundaries.<sup>3</sup> Any county borough within the geographical county should be consulted, and a county borough and a county could make a joint application for the alteration of mutual boundaries. If a county council were not to make the representations for alterations within the time limit specified, then the Minister should act in its place. If any local authority objected to the county council's plan, the Minister should hold a local inquiry.<sup>4</sup>

The general objective of the County Review, as conceived by the Royal Commission was the reform of the local government structure as expeditiously and as conveniently as possible. The county councils would be the instrument, because they had originally been so selected by the 1888 Act, when the Government looked to the county councils as 'great engines of reform',<sup>5</sup> and because they were near enough at hand to have full knowledge of local conditions.

The rural districts were very much concerned at the continual 'erosion' of their areas caused by the formation of new urban districts and they proposed that no new urban district should be created unless it had a population of at least 10,000 and a rateable value of £50,000.<sup>6</sup> On the other hand, they recognized that the

<sup>1</sup> Jarratt QQ.1795-98, (XI. 2070).

<sup>2</sup> Pindar (X. 1877).

<sup>3</sup> The special object here was to get all parishes within a single county.

<sup>4</sup> R.C.L.G. Second Report, pp. 15-19. Paras. 39-46.

<sup>5</sup> Speech of C. T. Ritchie in the House of Commons, June 7th, 1888.

<sup>6</sup> Pindar M.54 (X. 1878).

inhabitants of an urbanized parish could legitimately complain of not being able to manage for themselves the local services which they paid for by their own special rate. To meet this, the rural districts suggested that the existing system of parochial committees should be made more widespread, in order to provide the opportunity of local management, and that steps should be taken to spread the incidence of charge for all local services over a wider area, so as to offer an additional inducement to the urban parishes to remain in the rural district. Under Section 202 of the Public Health Act of 1875 and Section 15 of the Local Government Act of 1894, the rural district council had the power to set up a parochial committee for any 'contributory place', *i.e.* for any rural parish or any district upon which was a special rate levied. The use made of this power by rural district councils was very uneven. The National Council of Social Service carried out a survey of a number of counties about 1925 and this showed that in one county 8 out of 300 parishes had parochial committees, in another 1 out of 271, in a third 14 out of 129, in a fourth 87 out of 395 (including two entire rural districts).<sup>1</sup> The composition of the parochial committees was also varied. Sometimes they comprised the rural district councillors for the parish, sometimes the parish councillors, sometimes a combination of the two. The functions which they exercised related to the collection of house refuse, sanitation, scavenging, and, occasionally, sewerage, drainage and water supply. In general, they acted for the rural district council as the local managers and inspectors of the work done in the parish by the R.D.C.'s staff and equipment. Their accounts and estimates had to be sanctioned by the rural district council, but they enjoyed often quite considerable discretion in the engagement and suspension of staff, the hearing of complaints, the making of suggestions and so on.<sup>2</sup> The Rural District Councils' Association suggested that the appointment of a parochial committee should be compulsory for the R.D.C. in any parish with over 3,000 inhabitants, if the parish council applied for it.<sup>3</sup> The Royal Commission agreed that the parochial committee was an interesting device and might prove valuable; the Local Government Act of 1933 (Section 87) repeated the provisions for the parochial committee and added that

<sup>1</sup> See R.C.L.G. Minutes XIII. pp. 2310-2312.

<sup>2</sup> For Parochial Committees in Wrexham R.D. cf. Price M.7 (e), in Easington cf. Longden M.35, in Wallingford cf. Slade Q.31,119, in Yeovil cf. Rodber M.2 (q).

<sup>3</sup> Pindar M.55 (3).



there was to be an appeal to the Minister by the parish council against the refusal of the rural district council to establish a parochial committee.

The Royal Commission also considered the whole problem of spreading the incidence of charge. Under the Public Health Act of 1875 (Section 229) it was necessary to levy a special rate for the provision of water supply and sewerage upon the parish (or special rating district) specifically benefiting. This had two consequences: first, that work could not be undertaken unless the parish or small district could itself afford it alone; secondly, the parish would demand the complete management of the services for which it alone paid, and claim to become an urban district. Hence the rural districts wanted to amend the operation of this principle by allowing the rural district council to contribute to the cost of works otherwise chargeable solely on the individual parishes, or even, with the consent of the Minister, to assume the entire expenditure as a responsibility of the whole rural district.<sup>1</sup> This was opposed both by the Association of Municipal Corporations and by the Urban District Councils' Association. Their argument was that such a step would penalize the parishes which had already provided their own services by making them pay for those of their less provident neighbours.<sup>2</sup> This dual aspect of the problem of spreading the incidence of charge arose in an acuter form in the analogous request by the county councils, that they should be permitted to make a contribution to a district's expenditure on district services. This issue raises a fundamental and recurrent problem in local government. It is whether there is an obligation upon an area, whose financial position is good and which has already provided itself with adequate local services, to contribute towards the provision of those services for a less favourably placed neighbour; and—if this principle is valid—over how wide a geographical area it should apply. It is true that the question is somewhat deflected by the consideration that the services most in view are those of public health—water supply, sewerage and the like—and that these are of indirect interest to the neighbours of their direct beneficiaries, because, if a district has no proper drainage or water supply, disease will probably arise there, and become epidemic, infecting a wide area. It is therefore necessary for all in the wider

<sup>1</sup> Pindar M.55.

<sup>2</sup> Postlethwaite, etc., XI. 2156–2160.

area to help a small authority to provide itself with the basic environmental health services. The analogy from the general practice as regards meeting the cost of public social services seems clear also; everyone has to pay to provide certain social services, even if they do not themselves actually benefit from them. The point is brought out when comparison is made between the relative positions of individual and local authority.

(Mr. Taylor). 'This difficulty is exactly the same with an individual in a district. Many individuals in rural districts have put in their own water supply, and they have to contribute to the rates of the locality as well for their supply, do they not? It is exactly the same with an authority who have already provided their water. You cannot get away from that difficulty?'—(Sir Arthur Robinson, Permanent Secretary of the Ministry of Health): 'Certainly in one way the individual has got a complaint and a grievance; in another way he has not. I think the answer is both yes and no; that is the real truth of it.'

(Sir George Macdonogh). 'But surely that runs through all problems of Local Government. For instance, one man sends his boy to Eton and pays for him and at the same time he has to contribute to the education of the rest of the community in Council Schools?—You have to call upon him to take a wider interest.'

'Otherwise you would have no local government at all?—That is so.'

The last observation leads on to what the Royal Commission found to be the crucial point. In many cases, the alternative to spreading the area of charge would be no service at all, since the only other source of aid—the Exchequer—would not be likely to assist, and the remedy suggested by the Urban District Councils' Association—that districts should be allowed to raise loans in excess of the stipulated limit of two years' assessable value—would be of limited application. The parishes would still be left without adequate means of providing—each for itself—the basic sanitary services. The retention of the parochial incidence of charge would be 'equivalent in financial effect to an enormous increase in the number of small urban districts, struggling with inadequate means to provide and maintain essential services.'<sup>1</sup> The Royal Commission accordingly recommended the right both of county councils to assist district councils and of rural district councils to make the whole or part of a local scheme a district responsibility, with the consent of the Minister. They held that this was merely the application of a 'principle already recognized in other services *i.e.* that the rates should not be payments for direct and personal benefits, but should be spread over

<sup>1</sup> R.C.L.G. Minutes. Pindar, *loc. cit.*

the widest area in which there is a common interest in the provision of the services in question.<sup>1</sup> The Local Government Acts of 1929 (Section 56) and of 1933 (Section 190) accordingly gave permission to rural district councils to contribute all or part of the expenses of a parochial scheme, and to county councils to contribute to the expenses of non-county borough or district councils, for hospital accommodation, sewerage, sewage disposal or water supply<sup>2</sup> (see also Public Health Act of 1936: Section 307), and towards the expenses incurred by other authorities in lighting county roads (Road Traffic Act 1934: Section 23); the Acts of 1933 and 1936 made rather broader the original principle contained in the Act of 1929.

### *G. The County Review Orders*

The Acts of 1929 and 1933 put into effect the general recommendations for the holding of County Reviews. The objectives, as defined by the Ministry of Health, were :

1. That proposals for change should be directed to encouraging the confidence of the inhabitants in their representatives and to stimulate interest.
2. Due regard should be paid to the prestige and tradition of local government of the areas affected, and the sentiment of their inhabitants.
3. The aim should be to ensure that authorities were both willing and able to discharge the functions laid upon them by Parliament, and to carry them out with energy and efficiency.<sup>3</sup>

Section 46 of the Local Government Act of 1929 provided that county councils should review the boundaries of all non-county boroughs, urban districts and rural districts within their county areas, and should submit proposals for change to the Minister of Health by March 31st, 1932. The Minister could then seek confirmation of the county councils' proposals by submitting them to Parliament in the form of Provisional Orders. During the period 1929-1932 21 counties submitted proposals covering the whole of their respective areas, and 5 for part of their areas. The next step

<sup>1</sup> R.C.L.G. IIInd Report, p. 22, para. 53.

<sup>2</sup> Section 6 of the Rural Water Supplies and Sewerage Act, 1944, made expenses in respect of sewerage, sewage disposal and water supply a charge upon the general rate and no longer upon special parish rates.

<sup>3</sup> Robinson M.239-241 (IX. 1767).

taken was by the consolidating Local Government Act of 1933, which, while continuing the provisions of County Review (Section 46), laid down that these were not to be undertaken at less than decennial intervals. In addition, other powers were restated; by Section 140, a county council could propose the alteration of the boundaries of any county district, and by Section 141, it could propose the creation or abolition of urban and rural districts and civil parishes. A municipal borough could propose alterations in its own boundaries, or its union with another borough, or the inclusion of a district within the borough. All these proposals required the consent of the Minister, who would promulgate them in a Provisional Order. Thus the Act put the county councils firmly in the position they had held since 1888 of being the 'engine of reform' in local boundary changes. By using the various provisions of the Act, they were empowered to review all areas within the county, propose the creation and abolition of districts and parishes, and the alteration of all boundaries within the county; the only thing they could not do was to propose the abolition of a municipal borough.

What use was made of these powers in the ten-year period during which the County Reviews were carried out—1929-1938? Leaving aside changes involving county boroughs and inter-county changes, there were between 1929 and 1938 about 1,300 boundary changes. These changes were effected by Local Act, individual Provisional Order, or County Review Order, the last being the most important. Only two counties (Radnor and Rutland) did not submit proposals for a County Review. Among the 256 municipal boroughs existing at the start of the period, 189 had their boundaries altered. 206 urban districts were abolished, 49 were created. 236 rural districts were abolished and 67 created. Thus there were 159 less urban and 169 less rural districts than before the changes. On the other hand, the extent of the majority of individual changes was generally quite small. Except when districts were being amalgamated, the usual area involved in a change was in most cases part of one civil parish, containing a few acres and a small population. These changes rectified anomalies in local authority boundaries and were intended to ease administration, and the number of districts abolished and created gives a fair picture of the scope of the whole work.

What were the objects of these 1,300 changes, as they appear from an analysis of the changes themselves?

1. The removal of anomalies — to smooth out and adjust the obvious awkwardness of so many boundaries, to cut off the tiny detached 'islands', the projecting corners, etc. This was even carried some way towards remedying the defects in the county boundaries also.

2. The second object was to reduce the number of urban districts in the great urban areas. Substantial numerical reduction was achieved in Lancashire and the West Riding, and it was in these areas that the number of small and adjacent urban districts was the greatest. In the West Riding, for instance, 34 urban districts were eliminated by a Review Order in 1937, and 24 more in 1938. But there was no power to touch municipal boroughs, and the problem was to that extent only lessened, leaving numerous small units in areas which constitute in fact a single conurbation. Indeed, there seems to have been a general policy of building up a ring of new boroughs around the great conurbations. The result is that both the London County Council area and the areas of the county boroughs in the Midland and Northern industrial areas are now hemmed in by a ring of municipal boroughs, many of them recently promoted urban districts. This, under the provisions of the Act, made it difficult for the county boroughs to expand further, since a municipal borough, whose existence is not at the discretion of the county council or even the Minister, is a formidable obstacle.

3. The reduction of the numbers, and the increase in the average size of the rural districts was a third objective. Most counties substantially reduced the number of rural districts within their areas; in most cases careful study, investigation, and consultation of all interested bodies resulted in the recasting of the rural areas of the county; rural districts as a result were rendered fewer and larger than they had previously been. Yet their original character remained unchanged; they were still 'remnants'—what was left of an area after boroughs and urban districts had been excluded. When first created in 1872, a rural (sanitary) district, was the poor law union less the urban areas; after the County Review orders, a rural district became the remnants of perhaps two poor law unions instead of the remnants of one. In the process the shape of the old union areas has often disappeared. A clear example is afforded by the reorganization of rural districts in South Oxfordshire, effected by the Oxfordshire Review Order of 1932. The part of the County of

Oxford lying to the south-east of Oxford City was originally comprised in five poor law union areas. First, there were three taking in the valley of the Thames from Oxford to Reading; from north to south, these were the Unions of Abingdon, Wallingford and Bradfield. In each case the Union stretched across the valley of the river, the greater part being in Berkshire, but a considerable part being on the Oxfordshire bank. The three Unions (and their corresponding rural sanitary districts) thus evidenced the fact that a river like the Thames is a unifying rather than a separating factor, and should be the centre line of an area and not a frontier between separate areas. Similarly the two Unions of Thame and Henley—with their rural sanitary districts—spread into two counties, because though the majority of parishes in each were in Oxfordshire, they also comprised the Buckinghamshire parishes, which used the markets of Thame and Henley respectively. After 1894, the Oxfordshire parishes of Abingdon Union and Rural Sanitary District were formed into the Culham R.D., those of Wallingford into the Crowmarsh R.D., and those of Bradfield into Goring R.D.—the Oxfordshire parishes thus being separated from their normal local centres of Abingdon, Wallingford and Reading respectively. Similarly the majority of the Thame and Henley Unions and Rural Sanitary Districts became the Oxfordshire R.D.'s of Thame and Henley, but their Buckinghamshire parishes were formed into the two new and small Buckinghamshire R.D.'s of Long Crendon and Hambleton. Thus in S.E. Oxfordshire there were 5 small R.D.'s each comprising only a part of the original union area—their populations ranging from 2,651 in Henley R.D. to 6,138 in Crowmarsh R.D. The Review Order combined them in two large R.D.'s—Bullington and Henley. Goring R.D., the southern part of Crowmarsh R.D. and Henley R.D., formed the new Rural District of Henley. The Culham R.D., the northern parts of Crowmarsh and Henley R.D.'s, Thame R.D. and most also of Headington R.D. formed the new R.D. of Bullington. Thus while the 1894 Rural District preserved in some form the outlines of the original union areas, even if the latter had been bisected, the new recasting of areas caused them to be entirely broken up. In Wiltshire, twelve rural districts were reduced in number to six by the expedient of combining them in pairs; this doubled the size of the districts but did not necessarily provide more compact units, representing natural groupings of the population. It may be perhaps



deemed rather unfortunate that this change of rural district areas should so often completely have obliterated the old union areas. They represented both a grouping together in one unit of town and country, and the conscious adoption of some practical criterion for the delimitation of areas (in this case, the radius of a market town's influence). Modern contemporary practice is returning to principles of this kind, and in the mapping out of new areas the old union areas might sometimes have provided a convenient guide.

4. The extension of the boundaries of boroughs and urban districts was also accomplished in a routine manner during the County Review Orders, as well as by individual Acts and Orders. As stressed above, the extension generally involved only a small area in each case. The aim seems always to have been to include any new building that was an 'outgrowth' of the borough or urban district. In some cases, a few acres may have been included which were ripe for development. But while accepting the Ministry of Health's statement, in the Annual Report for 1936-1937, that 'boundaries have been delimited to provide the necessary room for development', as meaning that towns have been able to incorporate present or future suburbs, there was still no approach under the Review Orders to the problem of the wider area dependent upon the town, extending beyond the continuous built-up area into the open countryside and neighbouring villages.

5. In 42 cases small urban districts were incorporated in the surrounding rural districts. This has a special significance for the solution of the problem of the urban 'islands' in the rural areas; it shows the emergence—on a restricted scale—of a unit with both urban and rural components. In the various discussions before the County Review Orders commenced, it appears that a new type of local authority was at least contemplated as possibly resulting from them. This would evolve from the necessity of providing for the government of rural or semi-rural areas, where local authorities would have to be amalgamated. In such cases, however, it might prove impossible, for geographical reasons, to join urban to urban or rural to rural authorities, and thus urban and rural authorities would have to be cast into one whole to form a new unit. The fusion of urban and rural districts would be possible under the provisions for review envisaged, but many of the small urban authorities in the rural areas were in fact non-county boroughs, often of long

standing. Hence, the question arose as to whether it would be possible to fuse such a borough with a rural district. The evidence submitted to the Royal Commission on Local Government shows that the county councils were prepared for such a development.<sup>1</sup>

(Chairman): 'Your scheme, I think, might very likely alter the status of a very small non-county borough, because it would become the Borough and District of so-and-so? It would alter the method of obtaining an extension. What would happen would be this. You would have a Borough of 4 or 5,000 inhabitants, an ancient Borough, surrounded by a large rural area; that would become the Borough and District of X?—Yes.

And for local government purposes the Mayor would be Chairman of the Council. I suppose?—Yes, I see no reason why he should not be the Mayor of a large area.

But would that large rural area come into the Borough?—I see no reason why it should not. It would be a reconstituted county district which would include the Borough.

And that rural area would be governed as though it were part of the Borough?—Yes.'

Even the representative of the Association of Municipal Corporations (Mr. Ernest Jarratt) considered the suggestion 'very reasonable'.

(Sir Seymour Williams): 'What would be the attitude of your Association, and of those whom you represent, to a possible amalgamation of a fairly good-sized non-County Borough with a surrounding area, so as to make one District of it?—I think it a very reasonable proposal. Of course it would have to be considered in the light of local circumstances by the proper tribunal.'<sup>2</sup>

In fact, however, it was not possible to take such drastic steps, but 42 urban districts were incorporated in the surrounding rural districts. The following table shows them, and gives an idea of the average size of the urban districts thus treated:—

County	Urban District	Rural District	Population of U.D.
Cheshire .. ..	Tarporley	Northwich	2,452
Cumberland ..	Arleton & Frizington	Ennerdale	4,328
	Egremont	Ennerdale	5,681
	Cleator Moor	Ennerdale	6,017
	Holme Cultram	Wigton	4,743
	Wigton	Wigton	3,521
	Millom	Millom	7,405
Derbyshire ..	Hurston & Boulton	Shardlow	3,280
	Baslow & Bubnell	Bakewell	654
	Brampton & Walton	Chesterfield	2,323
Devonshire ..	Brampton	Tiverton	1,392
	Ivybridge	Plympton St. Mary	1,609
Durham .. ..	Stanhope	Weardale	1,746
Gloucestershire	Awre	E. Dean-W. Dean	1,033

<sup>1</sup> R.C.L.G. QQ.32,884-887,

<sup>2</sup> *Ibid.*, QQ.33,331,

<i>County</i>	<i>Urban District</i>	<i>Rural District</i>	<i>Population of U.D.</i>
Gloucestershire( <i>cont.</i> )	Coleford	W. Dean	2,717
	Newnham	Gloucester	1,035
	Stow-on-the-Wold	N. Cotswold	1,266
	Tetbury	Tetbury	2,237
	Westbury-on-Severn	Gloucester	1,746
Kent .. ..	Wrotham	Dartford : Malling	4,500
Lancashire .. ..	Croston	Chorley	1,934
Leicestershire .. ..	Quorndon	Barrow-on-Soar	2,604
Lincoln-Holland .. ..	Thurgaston	Barrow-on-Soar	2,695
	Holbeach	E. Elloe	6,112
	Long Sutton	E. Elloe	2,902
	Sutton Bridge	E. Elloe	2,839
Kesteven	Ruskington	E. Kesteven	1,101
Lindsey .. ..	Crowle	Isle of Axholme	2,833
	Roxby-cum-Risby	Glanford Brigg	548
	Winterton	Glanford Brigg	1,958
	Rothbury	Rothbury	1,255
Northumberland .. ..	Wheatley	Bullingdon	1,268
Oxfordshire .. ..	Wiveliscombe	Wellington	1,262
Somersetshire .. ..	Windlesham	Bagshot	5,257
Surrey .. ..	Battle	Battle	3,491
Surrey (East) .. ..	Uckfield	Uckfield	3,555
	Kirby Lonsdale	S. Westmorland	1,372
Westmorland .. ..	Shap	N. Westmorland	1,228
	Pocklington	Pocklington	2,642
York (E.R.) .. ..	Kirklington-cum-Upsland	Bedale	249
York (N.R.) .. ..	Masham	Masham	1,995
Merionethshire .. ..	Mallwyd	Dolgelly	679

During the period there were also considerable changes in the boundaries between counties; this was generally done by a special Local Act, but the Acts of 1929 and 1933 provided for it being done under a review or similarly by mutual agreement between the counties concerned. The 1933 Act (Section 140) also provided for the union or division of administrative counties, but nothing of the kind was achieved. There were altogether between 1929 and 1937 some 58 boundary changes between counties—22 counties being involved. The total acreage affected was 80,403 with a population of 25,302. Quite the largest single change was that effected on the borders of the three Counties by the Gloucestershire, Warwickshire and Worcestershire Act of 1931, involving 51,490 acres, with a population of 10,530, and remedying the chaotic conditions in that area. It will be recalled that a large peninsula of Gloucestershire stretched up from the N.E. corner of its own County into the S.W. corner of Warwickshire, being bounded on the west by the S.E. corner of Worcestershire; that this peninsula contained within itself islands of Worcestershire territory (Blockley, Daylesford, Cutsdean,

Evenlode) and that eastwards of the peninsula and westwards of the main block of Warwickshire territory lay two long strips, running north and south, of Warwickshire and Worcestershire (respectively from west to east). The Act gave the northern part of the Gloucestershire peninsula (the R.D. of Marston Sicca) to Warwickshire (Stratford-on-Avon R.D.). Then an eastern part of the Gloucestershire peninsula (round Quinton), the north to south Warwickshire strip which adjoined Quinton (the Ilmington area), and the north-to-south Worcestershire strip again adjoining to the east of Ilmington (Shipston)—all three went to the Warwickshire Rural District of Shipston, still further eastward. The remaining islands of Worcestershire in the Gloucestershire peninsula (Blockley, etc.) were incorporated in Gloucestershire, thus becoming part of the newly created Gloucestershire North Cotswold R.D. Similar adjustments, though on a much smaller scale, were made between Leicestershire and Cheshire by the Leicestershire and Cheshire Act, 1933; on the mutual borders of Ely, Norfolk and Holland by the Ely, Holland and Norfolk Act 1933; the Whalley Bridge area on the borders of Derbyshire and Cheshire was cleared up by Provisional Order in 1936. But most of the changes were small, and many of the really difficult, though less glaring, cases were not dealt with. For instance, the position of Newmarket or Leighton Buzzard, for which the Boundary Commissioners of 1887 suggested drastic alterations, were not handled. Nor was the detached part of Flint lying between Denbighshire, Cheshire and Shropshire dealt with, though it remains the only noticeable county outlier.<sup>1</sup>

<sup>1</sup> It is interesting to note that a year after the County Boroughs and Adjustments Act 1926 an act with very similar provisions was passed in Germany. This was the Prussian *Gesetz über die Regelung verschiedener Punkte des Gemeindeverfassungsrechts* of 1927. The Prussian legislation was due to the problem of the large County Boroughs (*Stadtkreise*) especially in the Rhenish-Westphalian industrial area. These wanted to expand their boundaries by taking in the suburban populations living outside their areas in the great conurbations. This was opposed both by the Counties (*Landkreise*) and their communes. The 1927 Act made a clear distinction between boundary changes involving a change of boundary between Counties and County Boroughs, and those which did not. The latter could be achieved by simple administrative order, but the former must be embodied in a measure passed by the Prussian Parliament (*Landtag*). Any agreements relating to annexations made between the County Borough and the areas to be absorbed. (*Eingemeindungsverträge*)—stipulating the provision of special services, differential rating, etc.—must be submitted to Parliament for approval. Finally, restriction was placed on the creation of new County Boroughs. Previously a town could become a County Borough on the attainment of a population of 20,000 (30,000 in Westphalia, 40,000 in the Rhine Province). The 1927 Act stipulated that such separation from the County was not to be automatic, that no population figure gave the right to such

The general opinion on the County Review and similar orders is that they were a qualified success. 'The success of the procedure was admittedly uneven. Some county councils undertook the work with vigour and the resulting system of county districts and parishes was satisfactory and probably calls for little, if any, revision in a general review. Others met with strong opposition from interests concerned to maintain the *status quo*, and the proposals put forward were inadequate'<sup>1</sup> As the then Minister of Health (Mr. Willink) put it on the Second Reading of the Boundary Commission Bill, 'in some Counties the job was well done; in others there was considerable apathy'. On the other hand, even when the recasting of areas was thorough, the units emerging were not necessarily ideal, though larger than those which preceded them. The actual effect on the number and size of authorities in each class can be seen from the fact that 783 urban districts were reduced to 572 in 1940, 652 rural districts to 475, though 33 urban districts were upgraded to become municipal boroughs, the latter reaching a modern peak figure of 309. The following table shows the position of the county districts in 1939—after the changes had been carried out:

Population	Boroughs	Urban Districts	Rural Districts
Under 5,000	63 (66)	149 (302)	37 (126)
5,000—10,000	32 (40)	150 (222)	112 (216)
10,000—20,000	51 (53)	159 (178)	209 (229)
20,000—30,000	38 (33)	67 (45)	74 (67)
30,000—50,000	78 (50)	34 (28)	39 (15)
50,000—100,000	36 (12)	11 (6)	4 (5)
Over 100,000	11 (1)	2 (4)	0 (0)
Rateable Value			
Under £10,000	14 (19)	30 (83)	12 (9)
£10—20,000	21 (34)	78 (150)	39 (27)
£20—40,000	37 (42)	126 (216)	110 (98)
£40—60,000	20 (30)	76 (117)	97 (96)
£60—80,000	21 (22)	68 (71)	69 (112)
£80—100,000	13 (16)	42 (45)	39 (95)
Over £100,000	173 (90)	152 (100)	109 (226)

*Auskreisung*, and that it must be passed by Parliament on the grounds of public policy. For all such boundary changes, the public advantage was to be the criterion, and changes could be enforced on local authorities on these grounds, even if they were reluctant to accept them. A parallel to the English Review Orders was the comprehensive Act of 1929—*Gesetz über die kommunale Neugliederung der Rheinisch-Westfälischen Industriegebiets*—which recast governmental areas in the Rhenish Westphalian industrial area: about 3,300 square miles and 6,300,000 population were affected. The number of County Boroughs in the area was reduced from 30 to 26; of 22 Counties, 7 were retained, 15 abolished and 5 new ones formed.

<sup>1</sup> White Paper on Local Government Reconstruction 1934, Cmd. 6579, p. 11.

The above table has been adapted from the NALGO report on the 'Reform of Local Government Structure' and shows the 1939 figures, with the corresponding 1927 figures bracketed beside them. It will be seen that though the number of rural and urban districts with populations under 5,000 has been considerably lessened, the numbers of boroughs—for obvious reasons—is almost unaltered. Even so, the table still gives nearly 300 urban and 150 rural districts with populations of less than 10,000, comprising over half all the urban and a third of all the rural districts. Hence, though the changes made by the Review Orders in eliminating small units was considerable, there were still a very considerable number of quite small authorities unaffected. From the point of view of any fundamental alteration in the structure of areas and authorities, and the problem of the relationship between town and countryside, they left the situation virtually unchanged.



## CHAPTER VI

### RECENT CHANGES AND THE GOVERNMENT POLICY FOR REFORM: 1929-45

#### *A. Summary of Recent Changes*

IN the period between 1929 and 1945, there were two main classes of trend towards the reform of the local government structure. One was broadly based upon a series of modifications of the existing structure, and, in particular, upon the retention of the county boroughs and the administrative counties as the principal units of organization. This attitude was crystallized in the coalition Government White Paper on 'Local Government in England and Wales During the Period of Reconstruction' issued in January 1945.<sup>1</sup> The other approach includes the numerous proposals that have been made for the establishment of regional government, the demand for all-purpose authorities, and the proposals on the reform of local government issued by bodies such as the Association of Municipal Corporations and the County Councils Association. All of these and similar schemes are grounded upon the desire to found a different structure of local government authorities and areas. The authors select a certain principle or set of principles which they consider to be of fundamental importance in the light of the demands made by current conditions, and they base their proposed structure upon the fulfilment of these principles. There is thus a fundamental distinction of character, not merely of degree, between the two classes of trend, and for purposes of analysis it is more convenient to consider them separately, although chronologically their development has been virtually simultaneous.

The proposals for basing local government upon the existing structure are logically associated with a number of practical modifications that have occurred in the system of local government during the period between the two German Wars. A consideration of these modifications is not only an essential prerequisite for the analysis of the proposals for reform. It also affords a ready insight into what, in the opinion of competent critics, are the practical defects and weaknesses that the structure has manifested in present conditions,

<sup>1</sup> Cmd. 6579.

because these modifications have in fact been a practical answer to these failings; they represent a series of empirical and *ad hoc* solutions to the problems arising from the efforts of local government to cope with tasks for which its present structure was not designed. The modifications in areas and boundaries have been dealt with in previous chapters; the three main types of modification that remain to be considered are the progressive transfer of functions from local authorities to state organizations, the redistribution of functions between the different classes of local authority, and the increased activity of joint authorities.

### B. *Transfers to the State*

Transfers to the state of services previously performed by local authorities have been considerable. The maintenance of the able-bodied unemployed was transferred from public assistance authorities to the (Unemployment) Assistance Board by the Unemployment Act of 1934, as was the supplementation of old age and widows' pensions by the Old Age and Widows' Pensions Act of 1940. The Minister of Transport became the highway authority for 4459 miles of main roads, by the Trunk Roads Act of 1936, and for another 3685 by that of 1946. The trend of centralization has been extremely marked in the services within the purview of the Ministry of Agriculture; the Ministry is now directly responsible for the operation of the National Veterinary Service, the National Agricultural Advisory Service, and the regulation of milk production on farms.<sup>1</sup> The local authority hospitals were nationalized by the National Health Services Act of 1946. On the other hand, the nationalization of the Fire Services — carried out by the Fire Services Act of 1941 — was intended as a war-time measure only. Yet the simultaneous trend of nationalization seems significant. The reasons for it differ with the service in question, but there is a recurrent similarity between them.

First, there is the invocation of the principle that the service in question is one of national, rather than local, importance and should accordingly be borne by the national, rather than the local, Exchequer. This was particularly true of the maintenance of the able-bodied unemployed where the burden was often too great for the locality to bear; further it was one for which the locality could not be

<sup>1</sup> Agriculture Act (1937); Agriculture (Miscellaneous Provisions) Act (1944); Food and Drugs (Milk and Dairies) Act (1944).

held responsible. It was one therefore that the nation as a whole should undertake. The resolution passed by the House of Commons on April 12th, 1933, declared that 'responsibility for assistance to the able-bodied unemployed not over 65 years of age should be accepted, with such readjustment in financial relations between the Exchequer and local authorities as is reasonable, having special regard to the necessities of the distressed areas'.<sup>1</sup> This meant taking the unemployed off the poor law, not only because of the social and psychological stigma attached to it, but because unemployment relief and poor law relief were based on fundamentally distinct principles. 'Local Authorities have had this duty for something like 300 years, and the essence of the Poor Law Act of Elizabeth was that each parish or district should be responsible for its own poor. But who would maintain at this time of day that this outlook and this local machinery are appropriate for the large scale industrial unemployment of which we now have experience? Industry and employment do not follow the boundaries of local authorities . . . If unemployment is due to something which is quite without the control of the locality, if it is due to causes which are international or national, then there is every reason why its victims should be treated nationally.'<sup>2</sup> An analogous argument lay behind the Old Age and Widows' Pensions Act of 1940. Local authorities responsible for public assistance had been making payments supplementary to the state payments, involving them in an expenditure of some £5½ millions a year — less a grant from the Exchequer of nearly a million. The Act transferred this system of supplementary payments to the Unemployment Assistance Board — which was renamed the Assistance Board. The move met with opposition because of objections to the means test that would be applied by the Board, and because it would mean a reduction in the scale of payments previously made by the more generous local authorities. Yet the principle that this was a national service, to be borne as a national burden was not seriously contested. 'The local authorities lost no opportunity of stressing their claim that the responsibility for pensions was primarily that of the state and that this task should not have to be assumed by them.'<sup>3</sup>

<sup>1</sup> Official Report, Fifth Series, Vol. 276, c. 2636.

<sup>2</sup> The Minister of Labour, Sir Henry Betterton (Viscount Rushcliffe) on the Second Reading of the Unemployment Bill, November 30th, 1933 — Official Report, House of Commons, Fifth Series, Vol. 283, c. 1090.

<sup>3</sup> Walter Elliot — Official Report, Fifth Series, Vol. 357, c. 1199.

A second principle underlying nationalization was the recognition that a certain service was of such vital importance that complete regularity and uniformity throughout the country must be secured, or that a national standard must be maintained, this objective being obtainable only if a minister were made directly responsible for the function in question. For instance, the trunk roads taken over by the Acts of 1936 and 1946 were those held by the Ministry of Transport to be of national importance because they were those connecting the main centres of population and industry with one another and with the more important ports; in addition, there were the routes between the principal food-producing areas and their markets, and certain roads of primary importance for tourist and pleasure traffic. Thus these routes were a vital national interest both from the economic and the strategic points of view. Yet their efficiency was held to be jeopardized by the lack of uniformity in their control and layout. 'The multiplicity of authorities controlling contiguous stretches of what, after all, may be the same line of communication is in itself an obstacle in the way of uniformity.'<sup>1</sup> Under the Local Government Act of 1929, the main roads were under the authority of counties and county boroughs; in addition, in the case of the former, boroughs and urban districts with a population of over 20,000 could 'claim' the main roads running through their areas, and the county councils had discretion to delegate maintenance to rural district councils. Hence the road authorities were not in fact limited to the 145 counties and county boroughs, and quite small authorities would be responsible for maintaining short stretches of a great national artery.<sup>2</sup> Thus in Surrey, on the London-Brighton road 5.64 miles were under the County Council, 4.79 under the Coulsdon and Purley Urban District Council, 5.21 miles under the Reigate Borough Council.<sup>3</sup> The result of such a division of control was a remarkable variety of conditions on a single main road. The Minister of Transport quoted the case of the London-Birmingham road, which, in 110 miles had 23 types of road surface, or the Bristol road, whose carriageway changed its width 19 times (from a maximum of 40 to a minimum of 20 ft.) in 120 miles.<sup>4</sup>

It was felt that such deviations could, in the national interest, no

<sup>1</sup> L. Hore-Belisha, Minister of Transport, in Official Report, House of Commons, Fifth Series, Vol. 317, c. 1950.

<sup>2</sup> There were 77 'claiming' authorities in 1936.

<sup>3</sup> Chuter Ede, *ibid.*, c. 1981.

<sup>4</sup> *Ibid.*, c. 1951.

longer be permitted and uniform standards must be imposed. The 1936 Act accordingly made the Minister of Transport the highway authority for the 4459 miles of roads listed in the schedule to the Act; he would in practice delegate to the existing highway authorities the actual work of maintenance. But the fact that he was from now on the highway authority meant that he could impose his own standards along the whole length of a road in his care, and that the national Exchequer would bear the cost. The latter point was justified by the fact that the roads taken over were those mainly used by through traffic and thus the cost of their maintenance up to the standard required for through traffic could not be said to be a local liability. It was apparently this adoption of through traffic as a criterion that led to the exclusion from the scheme of those parts of a trunk road running through the area of the L.C.C. or of any county boroughs, since in the urban areas the amount of local traffic using the road was such that it made the route a local liability.

The need for adjusting a variety of local standards to a national one recurs in the arguments for the transfer of the agricultural functions from local authorities to the Ministry of Agriculture. The contrast between 'the multiplicity of authorities' and the 'uniform national service' is quoted in the discussions on the Food and Drugs (Milk and Dairies) Act, 1944, which transferred the supervision of the production of milk on the farm, the Agriculture (Miscellaneous Provisions) Act, 1944, which set up the National Advisory Service, and on the recommendations in the Luxmoore Report advocating the transfer of Farm Institutes from the county authorities. With regard to milk production, the Ministry's veterinary inspectors had been responsible for the inspection of the animals since 1938,<sup>1</sup> but the responsibility for the conditions under which the animals lived and the milk was produced rested, as a sanitary function, with the local authorities. This involved the inspection of premises to see that they complied with the necessary requirements of cleanliness, the inspection of equipment and of the methods of milk production. In normal cases this was the task of the rural district (or urban district) councils as routine sanitary authorities, but in the case of herds registered under the T.T. and Accredited Milk Schemes, the responsibility was that of the counties and county boroughs, since these were the registration authorities. The transfer was strongly opposed by the

<sup>1</sup> Agriculture Act (1937).

local authorities of all classes and by many Members of Parliament on several grounds. It was a reduction of the powers of the local authorities; the Minister had an insufficient veterinary staff to carry out the scheme, and it would involve an actual reduction in inspections in the areas where local authorities had been active; the function was essentially a sanitary, and not a veterinary one, and the Minister would be hard put to it to obtain inspectors trained in the work, whilst the local authority sanitary inspectors were already visiting the farms in the course of their other duties.<sup>1</sup> The Act would leave the local authorities responsible for the enforcement of the provisions of the Milk and Dairies Order (1926) relating to the protection of milk against infection and contamination in milk depots and during transport and distribution, involving the boroughs and districts in the course of the performance of their normal functions as sanitary authorities. It was urged that this distinction between supervision of milk during production and during transport and distribution was an arbitrary one, and a demarcation unmaintainable in practice.<sup>2</sup> The arguments of the Ministry of Agriculture were primarily based on the need for uniformity. 'The standard of administration varies widely throughout the country but whilst appreciating difficulties which some of them experience under present circumstances, the Government, after very careful consideration, have reached the conclusion that no substantial general improvement can be anticipated so long as the existing system, with its multiplicity of responsible authorities, is maintained; transfers of the existing powers of local authorities to a central authority offers the only satisfactory solution of the problem.'<sup>3</sup> 'Under central control it will be possible to bring about greater uniformity of standard and a continuous improvement in that standard.'<sup>4</sup>

The same motif was responsible for the recommendations for fusing the Provincial and County Advisory services, which were implemented in the Agriculture (Miscellaneous Provisions) Act of 1944. The provision of specialist advice for farmers was previously entrusted to the thirteen Provincial Advisory Staffs, based on Agri-

<sup>1</sup> See speeches on amendment by Mr. R. H. Turton, *et al.* Official Report, Fifth Series, Vol. 400, cols. 450 sqq.

<sup>2</sup> See the Memorandum by the Norfolk County Council (*Municipal Journal*, November 5th, 1943, p. 1494).

<sup>3</sup> 'Measures to Improve the Quality of the Nation's Milk Supply' (Cmd. 6454), para. 13.

<sup>4</sup> *Ibid.*, para. 15.



culture Faculties of the Universities or on Agricultural Colleges, and paid by the Ministry. On the other hand, the more general or routine advice was provided by the county councils, who had permissive powers to appoint County Agricultural Organizers, fifty-five of these functioning in as many counties in 1939. 'The existence of separate administrative control has . . . been responsible for the want of uniformity in the service as between the respective provinces and also as between the respective counties, and also as between each province and the several Counties included in it . . . The weight of evidence is in favour of combining the two services in one National Advisory Service for the whole country with a central control, with the consequential transfer of the provincial advisory services from the University Departments of Agriculture and the Agricultural Colleges at present entrusted with these services, and of the advisory services from the county councils concerned.'<sup>1</sup> A similar desire 'to avoid the lack of uniformity, co-ordination and central direction which exists at present and to eliminate the disadvantageous effect of local interests and finance' led the Luxmoore Committee on Agricultural Education to recommend that the thirteen English and four Welsh Farm Institutes should be taken from the county councils and placed in a unified system under a National Council of Agricultural Education, for which the Ministry of Agriculture would be responsible.<sup>2</sup> This recommendation was contested in a Minority Report by a member of the Committee (Mrs. R. J. Youard) on the grounds *inter alia* that it made an arbitrary break in the national system of education, between agricultural and other forms of education. This viewpoint was upheld by the Government, who considered it 'very desirable to try and integrate agricultural education with the whole educational system of the country',<sup>3</sup> and it is now the duty of local educational authorities to prepare a scheme of agricultural education. But the Minister of Agriculture, when moving that the recommendations of the Luxmoore Committee with regard to a National Advisory Service be implemented by the Agriculture (Miscellaneous Provisions) Act of 1944, brought out what seems to have led the Government to make all these transfers of functions from the local authorities to the state in the agricultural field: 'For a

<sup>1</sup> Report of the (Luxmoore) Committee on Post-War Agricultural Education (Cmd. 6433), April 1943, para. 211.

<sup>2</sup> *Ibid.*, para. 125.

<sup>3</sup> R. S. Hudson in Official Report, Fifth Series, Vol. 400, c. 65.

national industry like agriculture we must have only one standard and that must be the best . . . Under a system of administration and assistance by separate county councils, it is almost impossible to secure the necessary co-ordination between the general and the specialist advisory services.<sup>1</sup>

A demand for uniformity, yet under rather different conditions, led to the transfer of the fire services in 1941 from the local authorities to national administration. Here, the crux of the matter was, as Mr. Herbert Morrison expressed it, that, under conditions of total war, 'the work of fighting fires has in substance become a military operation and not a municipal operation'.<sup>2</sup> Thus in a military context, all the needs for uniform control of operation common to war appeared. 'Further progress is not possible when an army is divided into so many forces of varying size, the bulk of them very small.'<sup>3</sup> In order to make the most use of any available reserves, to produce and train a body of officers capable of handling large bodies of men and equipment, and to standardize methods and material so that units could be easily transferred from place to place as required, unified control was essential. Further, this had to be on a national basis; even the largest sub-national units were considered inadequate. 'The operational problem is for these small units of fire-fighting organization suddenly to absorb very large reinforcements of men and equipment and to find it possible to handle them. That is really the operational case against the smallest, and even the biggest, local authority being the basic unit of organization.'<sup>4</sup> What distinguishes the need for uniformity in this case from the preceding examples cited, is that it was one which developed under the stress of war-time conditions; as can be seen from the fact that the N.F.S. was intended expressly as a war-time institution, the need for uniformity on a national basis is not a permanent characteristic of the problems of the function in question.

A third reason advanced for putting a service that had previously been local upon a national basis was the unsuitability of the local government areas for the technical needs of the services. With regard to the nationalization of hospitals, it is true that the co-existence of the municipal and voluntary systems of hospitals made it necessary

<sup>1</sup> Official Report, Fifth Series, Vol. 400, c. 66.

<sup>2</sup> Ibid., May 20th, 1941, Vol. 371, c. 1416.

<sup>3</sup> Ibid., May 13th, 1941, Vol. 371, c. 1082.

<sup>4</sup> Ibid., Vol. 371, c. 1419.

to bring them together in a unified structure, and this reduction to a common denominator, as it were, was effected by their nationalization. Yet it is also evident that the awkwardness of the local government boundaries for hospital purposes was an important factor in the decision of the Labour Government to take the municipal hospitals away from the local authorities and organize them regionally in national ownership. Mr. Bevan himself stated that he 'had to reject the local government unit because the local authority is no more an effective gathering-ground for the patients of hospitals than the voluntary hospitals themselves'.<sup>1</sup> The weakness of the local government areas for this purpose was described in more specific detail by the Parliamentary Secretary to the Ministry of Health. 'We must not blind ourselves to the fact, whatever else has been done in local government, that, as an administrative machine, particularly in so far as its area basis is concerned, it has not kept pace with developments in communications and transport. We have not made its sphere of operations grow with the character of the service we have developed or with the means and needs for wider areas of administration . . . The present separation of county and county borough services, particularly the separation of the county borough services from those of the county in which it is situated, means that in any hospital service, based upon existing areas of local government, the real focal centre of such a hospital service would be under separate and definitely segregated county borough control.'<sup>2</sup>

In this connection, it should be noted that where a service is only partly in local government ownership and it is desired to reorganize it on a unitary basis, it may be nationalized to achieve this. The case of the hospitals has just been cited, and the proposals for nationalizing gas and electricity, road transport and even water supply are further instances. Hence in the question of public utility services, the question of transfer from local authority to national ownership may be influenced by factors extraneous to considerations of the suitability of local areas.

A rather different aspect of this reason is provided by the cases where the local area of administration is considered to be no longer relevant. For instance, in the discussion on the Food and Drugs (Milk and Dairies) Act of 1944 it was pointed out that originally

<sup>1</sup> Ibid., April 30th, 1946, Vol. 422, c. 49.

<sup>2</sup> C. W. Key, *ibid.*, May 1st, 1946, c. 211.

milk had been generally produced and consumed in the same local area. Thus the local sanitary authority had a definite interest in the conditions under which the milk was produced, because its own inhabitants had to drink it. But with the development of large urban agglomerations and the improvement of transport facilities, milk might be brought from as far as 70 or 100 miles away. Thus the authority responsible for inspecting the conditions of production was not interested in its consumption and vice versa. 'There is no reason to argue that a local authority for a particular area should decide what another local authority hundreds of miles away should drink in the way of milk.'<sup>1</sup> The point is emphasized by the contrast with the arrangements for inspection of milk at the retailing stage. This was left with the local sanitary authority, because it was the function of the authority to take precautions for the cleanliness of the milk sold inside the area to the inhabitants of the area. The principle of local interest seems significant, because where the products of an industry (e.g. coal) are sold outside the locality in which it is produced, the rule generally followed is that it is a national responsibility to regulate conditions in the industry to safeguard the interests of the consumer, and that this should be done by a nationally employed inspectorate rather than by the local authority. On the other hand, with regard to many aspects of the retail trade (e.g. the administration of the Food and Drugs Acts) the local population are affected as consumers and the responsibility is admittedly a local one.<sup>2</sup>

Further, where functions involve action of a quasi-judicial character there are certain objections to a local area, at any rate to a small local area. This sometimes leads to the transfer of powers to a national body. For instance, certain criticisms were preferred against the administration of the milk production regulations by small rural authorities, where local influence may have prevented necessary action being taken.<sup>3</sup> It is arguable that such functions involving the exercise of powers of a quasi-judicial nature should, like the administration of justice itself, be put on a national basis. This principle was invoked in support of the transfer of the traffic control powers from the local authority to the Regional Traffic Commissioners by the Road Traffic Act of 1930. Previously the power of licensing passenger

<sup>1</sup> Major York in Official Report, Fifth Series, Vol. 400, c. 482.

<sup>2</sup> Minister of Agriculture, *ibid.*, c. 450.

<sup>3</sup> See Official Report, H. of C., Fifth Series, Vol. 400; especially Sir George Court-hope (c. 473) and E. Walkden (c. 517).

transport vehicles had been in the hands of boroughs and urban district councils, and a number of rural districts (65) which had acquired 'urban' powers. But there was no uniformity of standard between the different licensing authorities, and, in addition, many licensing authorities were also operating road transport undertakings themselves. They would thus appear as judges in their own cause, and a tendency to refuse licences to competitors was unavoidable. 'As licensing authorities for all vehicles plying for hire, they were in the position to use this power for the benefit of their own services. Whilst the legal extent of control over fares was vague, the power to refuse applications for licences gave them the opportunity to impose conditions on the licences they chose to grant. Frequently these conditions provided for the protection of their own services, especially tramway services. Sometimes the power was used to give the local authority a virtual transport monopoly within its own area.'<sup>1</sup> The elimination of this interest was sought by transferring the licensing functions to the Traffic Commissioners; further, by making their areas very large — England and Wales forming first eleven and then ten areas only — it was hoped that any undertaking would be in one area only. Previously, the road transport operator, whose services very often extended beyond the boundaries of a single urban area, had to apply for a licence to every borough or district council whose confines his route traversed. Further, the regional system, operated by national officials, would facilitate co-ordination with other forms of transport.<sup>2</sup> Reviewing the reasons underlying the transfer of local authority services to the central authority, it appears that the following principles were involved:

1. That the service in question should be borne by the national, and not local, funds, and even that it could not in fact be borne from local resources alone.
2. That it was essential to unify the service on a national basis in order to impose a common standard or uniform operation.
3. That the interests concerned in the service were not local in character and that a claim on those grounds to keep it under local control could not be sustained.
4. That the service involved functions of a judicial character that it was not desirable to leave under local control.

<sup>1</sup> D. N. Chester, *Public Control of Road Passenger Transport* (1936), p. 23.

<sup>2</sup> *Ibid.*, pp. 69-70.

5. That the areas of local authorities administering the service were technically unsuitable and that the necessary reorganization could only be effected if the areas were recast as parts of a national system.
6. That the service was only partly in local authority ownership, and unification under national ownership was the most convenient means of reorganization in a common scheme.

### *C. Redistribution of Functions between Authorities*

The second modification of the local government structure occurring between the years 1929 and 1945 was that due to the redistribution of functions between different classes of local authority. There was, as a preliminary, the completion of the process, so thoroughly begun in 1888 and 1894, of converting the system from one of *ad hoc* to one of compendious authorities. The process had, of course, been carried forward by the Education Act of 1902, which abolished the 2560 school boards,<sup>1</sup> and gave their powers to the counties and county boroughs, except that non-county boroughs with a population of 10,000 at the 1901 Census, and urban districts with a population of 20,000 could become authorities for elementary education only ('Part III authorities'). The process was completed by the Local Government Act of 1929, under which the poor law unions were abolished and their functions transferred to the counties and county boroughs — these now becoming 'public assistance authorities'. Thus 1929 saw the consummation of the compendious authority, but there was still a considerable re-allocation of functions to take place between the different classes of compendious authority, i.e. between the non-county boroughs and county districts, and the administrative county in which they were situated.

This second process of redistribution of functions had three principal objectives: to produce larger and more populous units of administration, to eliminate the cases of administrative overlapping by two authorities exercising jurisdiction in the same area, and to avoid the anomaly of authorities of similar size and financial capacity possessing widely different powers. It seems that there was no general theory underlying the process of redistribution, laying down a principle

<sup>1</sup> There were in 1902 199 school boards in boroughs, one in the County of London, and 2360 for 3470 parishes. In the areas for which no school boards were set up there were 748 'school attendance committees' — 177 in boroughs, 92 in urban districts and 579 in rural districts.



whereby services should be allocated to one type of authority rather than to another. Such a scheme was in fact put to the Royal Commission on Local Government by the County Councils Association. Under it county councils would be responsible for the following functions:

- (a) Services requiring a wide area: agricultural services, education, main roads, preventive and curative health services, police.
- (b) Institutional Services: schools, asylums, sanatoria, hospitals.
- (c) Quasi-judicial functions (where penal offences were involved): Food and Drugs Acts, Weights and Measures Acts, licensing and registration.
- (d) Quasi-legislative functions (involving penal offences): by-laws and general orders.

All these functions required, it was argued, a wide area because it would be uneconomic to run them for a small one, or because a small area might lead to personal influences interfering with the judicial process, or because uniformity of regulation over a considerable area was desirable.

To county districts, the following functions would be given:

- (a) Purely local functions: housing and town-planning, infectious diseases (except institutional treatment), prevention of nuisances, water supply, sewage disposal, smoke abatement.
- (b) Administration of county services by delegation.<sup>1</sup>

In fact, no such schematic allocation seems to have been made. The redistribution of functions was made separately for each set of services, although the general result was very similar — the concentration of powers in the hands of the counties and county boroughs. A brief review of the changes in relation to a number of groups of services will serve to illustrate this trend, and show how in practice steps were taken to satisfy the three demands for larger areas, for the elimination of conflicting powers over the same area, and the ending of the differentiation in status and power between authorities of similar size.

In regard to education, the principal problem was that of the authorities for elementary education only (Part III authorities). Under the Act of 1902, the Part III authorities were boroughs with

<sup>1</sup> R.C. Local Govt. Mins. of Evidence, Part X, p. 1963.

a population of over 10,000 or urban districts over 20,000 at the 1901 Census. Though Part III authorities could relinquish their powers, other urban districts or boroughs, not qualified in respect of their 1901 population, could not obtain the powers, unless (1) being in urban districts with a population of 10,000 in 1901, they were incorporated as a borough, or (2) they extended their boundaries so that they included an area which together with their original area had contained the requisite population in 1901, or (3) amalgamated with another area to obtain the requisite 1901 population. These avenues were, however, blocked by the Education (Local Authorities) Act of 1931; under it no urban district could acquire Part III powers, except by Act of Parliament or unless it amalgamated with an existing Part III authority. The number of Part III authorities in 1935 was 146 boroughs and 24 urban districts.<sup>1</sup> The Part III authority illustrates the arbitrary differentiation of status between comparable authorities, because 'the determination of the authorities for elementary education by population figures as they were over forty years ago led to incongruous results as populations increased or shifted. One urban district, for instance, with an estimated population in 1938 of 183,000, had no educational powers at all, because its population in 1901 was under 20,000; while a borough with a population of less than 10,000 in 1938 remained an authority for elementary education, because in 1901 its population exceeded that figure'.<sup>2</sup> The conflict of two authorities exercising powers in the same area is also illustrated by the Part III authority. In 1935, for instance, there were only 14 counties with no separate elementary education authorities within their areas; 20 counties contained one autonomous 'island' of elementary education, 9 contained 2, 8 had 3; 11 others had more than 3; one of these, Lancashire, contained no less than 27 Part III authorities.<sup>3</sup> The difficulty was not only that the individual school-child, when passing from an elementary to a secondary school, would pass from one education authority to another. With the implementation of the 'Hadow Scheme' of educational reorganization, the higher age-groups of elementary school-children were put in senior schools, central or modern schools and even junior technical schools.

<sup>1</sup> At the passing of the 1944 Act the figures were 152 boroughs and 17 urban districts - due to the incorporation of urban districts as boroughs. See *A Guide to the Educational System of England and Wales* (Ministry of Education, 1945), p. 12.

<sup>2</sup> *Ibid.*, para. 26.

<sup>3</sup> P.E.P. *Report on the British Social Services* (1937), p. 68.

Hence, the elementary education authority was entering the field of higher education, and in a town where there was a Part III authority, the secondary schools — broadly defined — might be under two separate local authorities; the 'secondary' schools would come under the county council, the 'senior' and 'modern' schools under the borough or urban district council. Yet both catered for children over eleven and there might be even competition between them. At any rate there was uneconomic overlapping. 'Will it be possible in the future for the country to acquiesce permanently in the division of part of the secondary grade of education between two separate authorities in the same area, with the result that an authority for elementary education only may start a Modern school or Senior Class when neighbouring Secondary Schools under the administration of the authority for higher education are not used?'<sup>1</sup> The answer to this question was given by the Education Act of 1944, section 6 (1) of which stated that 'the Local Education Authority for each County shall be the Council of the County, and the Local Education Authority for each County Borough shall be the Council of the County Borough'.

A similar situation to that of the Part III authorities in education arose in the personal health services. In the group of services concerned with mothers and children — maternity and child welfare, notification of births and of ophthalmia neonatorum, the school medical service, and the supervision (latterly also provision) of midwives — there was inside the counties a number of independent authorities due to historical circumstances. The Education (Administrative Provisions) Act of 1907 made the authority responsible for elementary education — county, county borough, or Part III non-county borough or urban district — responsible for providing a service of medical inspection for children in elementary schools and for arranging for them to receive any necessary treatment. The Notification of Births Act, requiring the notification of births to the Medical Officer of Health, was passed in 1907 as an adoptive Act, under which a county borough, county or county district could exercise powers; it was extended to be universally compulsory in 1917. The authority from 1917 onwards was to be the county or the district council. In a similar way, the Maternity and Child Welfare Acts of 1915 and 1918 could be adopted by district councils as well as by

<sup>1</sup> Report of the Consultative Committee on the Education of the Adolescent (1926), pp. 163-4.

county and county borough councils, and by 1926 there were 276 non-county boroughs, urban and rural districts so acting. With regard to ophthalmia neonatorum, every county district was an authority for its registration, but the treatment of this disease was carried out only by such districts as were maternity and child welfare authorities; elsewhere treatment was the responsibility of counties and county boroughs. The duty of supervising midwives was laid on the county councils and county borough councils by the Midwives Act of 1902, but the former had the power of delegating to the county districts; this latter power was rescinded by the Maternity and Child Welfare Act of 1918, but county districts to whom the power had already been delegated between 1902 and 1918 could retain it.

A number of proposals were put to the Royal Commission on Local Government with regard to these services by representatives of the Associations of local authorities. Thus the county councils asked that they should be scheme-making authorities for the school medical service, with power to delegate to districts. They should be the authorities for maternity and child welfare, and for the supervision of midwives, but with the statutory power of delegation to county districts in each case. The municipal boroughs and urban districts stressed the importance of keeping the maternity and child welfare services linked to the educational services, and urged that if a borough or urban district were responsible for children of elementary school age, it should be responsible for the same children before they entered school. Thus both the Association of Municipal Corporations and the Urban District Councils Association claimed that the Part III authorities should be authorities for maternity, child welfare and midwives, providing that they were suitably qualified, e.g. by the appointment of a full-time M.O.H. The rural districts were mainly concerned to claim the services that they did not (unless in exceptional circumstances) possess — the school medical service (inspection only, not treatment), notification of births, maternity and child welfare and the provision of health visitors.<sup>1</sup>

The Royal Commission on Local Government recognized the close association between the school medical service and the education authority, and that in turn the maternity and child welfare services could best be exercised by the education authority. They recom-

<sup>1</sup> See Table of Proposals in Royal Commission on Local Government: Minutes of Evidence, pp. 2255-6.

mended, however, that where the boroughs or urban districts, which were maternity and child welfare authorities, were not already elementary education authorities, they should relinquish their mother and child services.<sup>1</sup> Accordingly, the Local Government Act of 1929 (sec. 60) and the Public Health Act of 1936 (sec. 200) provided for the Minister of Health to effect the transfer of powers in such cases. In fact, however, the number of independent authorities remained considerable. In 1935, the Part III authorities (146 boroughs, 24 urban districts) were all school medical authorities. For maternity and child welfare purposes, the authorities outside London were the counties, the county boroughs, 147 other boroughs, 86 urban districts and 10 rural districts.<sup>2</sup> In 1944 the number of smaller authorities exercising welfare powers was 162 borough councils, 63 urban district councils and 10 rural district councils. In the meanwhile, the midwifery service had been expanded by the Midwives Act of 1936 from the supervision of the independent midwives in accordance with the professional rules of the Central Midwives Board to the responsibility for seeing that an 'adequate service' of domiciliary midwives was available for those in need of it in the area. This led to some 2700 midwives being directly employed by local authorities. The midwifery authorities were in 1944 not only the counties and county boroughs, but also 39 borough councils and 4 urban district councils.<sup>3</sup> The conflict of authorities and discontinuity of responsibility for provision of services has been portrayed thus. 'A woman is going to have a baby. She will attend the maternity and child welfare clinic of the Urban District Council and get very good treatment and advice. When the time arrives for the baby to be born, the Urban District Council have no power to assure that woman a bed in a hospital. What they can do is to make arrangements for her to go into hospital; make arrangements with the County Council or with another organization, completely divorced from the local council. When the baby is born, the mother and baby go back to the Urban District and are treated by the Maternity and Child Welfare Clinic. When the child is old enough to go to school, the Medical Officer of Health may not be the School Medical Officer and the child comes under the School Medical Officer, until he goes

<sup>1</sup> Royal Commission on Local Government Report, p. 52, para. 133.

<sup>2</sup> P.E.P. *Report on the British Social Services* (1937), p. 80.

<sup>3</sup> 'White Paper on a National Health Service' (Cmd. 6502, 1944), p. 62.

to work, when he comes under a general practitioner. There is no relation between the services of the Urban District Council and those of the larger authority.<sup>1</sup>

Once again, as in education, the solution adopted was to make the counties and county boroughs the local health authorities — and this was envisaged in the coalition White Paper and carried out by the National Health Service Act. To proffer two more examples of this trend: the Local Government Act of 1929 vested in the county councils the responsibility for all highways in rural districts and for all except 'unclassified' roads in urban districts and boroughs, subject to the rights of the urban authorities to 'claim' the maintenance of their roads; the Police Act of 1945 abolished the forty-seven surviving police forces in non-county boroughs and transferred them to the counties.<sup>2</sup> But the tendency to increase the powers of the county council at the expense of the smaller authorities is marked not only by the progressive transfer of responsibility for the actual executions of functions to the county from the districts. It is seen in the increasing trend to give the county council a status in the administration of services which are still generally regarded as purely local responsibilities. The situation has been described as 'that distinctive arrangement whereby the county body acts as a kind of foreman to ensure that "its" local authorities keep up "their" output'.<sup>3</sup> This applies, for instance to the group of environmental health services — sewerage, sewage disposal, water supply, housing, sanitary inspection and general responsibility for the health of the district. Under the 1936 Public Health Act and the Housing Act of the same year, the boroughs and districts are the principal authorities for these services. But the county is brought in for certain purposes. First, the county has to be kept informed of what is being done. For instance, it is the statutory duty of the Medical Officer of Health of a district council to give the County Medical Officer of Health any information in his power which the latter may reasonably require for the purpose of his duties.<sup>4</sup> This has been extended by the Housing Act of 1936 (section 67) to

<sup>1</sup> F. Messer, H. of C. Official Report (May 9th, 1945), Fifth Series, Vol. 410, c. 1965.

<sup>2</sup> Highway and police administration is treated in further detail in Chapters X and XI *infra*.

<sup>3</sup> 'The Future of the Smaller Authority' by W. Rainey Edwards (Town Clerk of St. Ives), *Municipal Journal*, p. 1109. September 11th, 1942.

<sup>4</sup> Local Government Act of 1933, section 113, and Sanitary Officers' (Outside London) Regulations, 1935.



include information about overcrowding and steps taken to counter it. Reports on housing progress must be sent to the County Council. Conversely, it is the duty of the County Council to keep itself informed about activities in the districts. The County Medical Officer of Health 'must inform himself as far as possible regarding all matters affecting or likely to affect the public health of the County' and make an annual report thereon,<sup>1</sup> and the County Council must have constant regard for housing conditions and the sufficiency of steps taken by district councils. Thirdly, there is the power of the County Council to promote an inquiry if it considers the district is defaulting in its exercise of its functions under the Housing or Public Health Acts.<sup>2</sup> But, fourthly, the powers of the County Council are not limited to complaining after the event; they have been given first the right, and then duty, of helping the weaker authorities — particularly the rural district councils. Under the Local Government Act of 1888 (section 11 (10)), county councils were given the right to contribute to the cost of the 'secondary' roads whose maintenance was the responsibility of the district councils. This involved the principle of spreading the incidence of charge and the effort made to get this principle adopted, both as regards the rural district and the county, was mentioned in Chapter V. The principle was adopted as regards the county on an optional basis by the Act of 1929, which gave the county councils power to contribute to the expenses of rural district councils. The Public Health Act of 1936 confirmed this voluntary power of making contributions in respect of hospitals, sewerage and water supply expenses of all district councils.<sup>3</sup> But the principle of contributions was put on a compulsory basis by the Rural Water Supplies and Sewerage Act of 1944. This completed the process of spreading the incidence of charge both at the district and the county levels in respect of sewerage, sewage disposal and water supply. By section 6 all expenses after March 31st, 1945, in connection with these services became 'general expenses', to be covered by a general district rate, eliminating entirely the charging of them to the parish benefiting as a 'special rate'. Further, the Ministry of Health can contribute to a scheme, and if so, the county council *must* contribute (though they

<sup>1</sup> Local Government Act of 1933, section 6.

<sup>2</sup> Public Health Act (1936), section 321. Housing Act (1936), sections 169-71; in the case of a rural district the county council can hold the inquiry itself; in case of non-county borough or urban district it can ask the Minister of Health to do so.

<sup>3</sup> Section 307.

cannot be compelled to contribute an amount greater than that from national funds).<sup>1</sup> An exactly similar transition from the voluntary to the compulsory contribution took place with regard to housing. Whereas the Housing Act of 1936 (section 115) *authorized* the county council to make a payment in respect of certain housing responsibilities of the rural districts, the Housing (Financial Provisions) Act of 1938 (section 7) *requires* the county council to make an annual contribution in respect of houses which would impose an 'undue' burden on the district alone and those erected for the agricultural population. As a final example, showing the function of the county councils both as a co-ordinating and as a contributing body, there may be mentioned the provisions of the Public Health Act of 1936 (sections 109, 113) whereby the county council makes a scheme for the appointment of medical officers of health jointly by districts where necessary and pays half their salaries and those of sanitary inspectors.

Thus the functions of the county council as a 'foreman' of the smaller authorities in the exercise of their own powers on the one hand, and the progressive transfer to it of more and more services on the other, justifies regarding it, with the county borough, as now being the basic unit of the local government structure. The Government White Paper of 1945 refers to the structure as 'based on the county and county borough'<sup>2</sup> and the redistribution of functions between authorities has tended to reduce the number of basic authorities from 1500 to 145. It is not certain that this development is really a complete solution of the problem. It may be pointed out in the first place that, as is so often remarked, the counties and county boroughs vary greatly in size. Those boroughs which were fortunate enough to qualify for county borough status in 1888 or in the years immediately following have an advantage over the boroughs which developed later; these found it far harder to acquire that status, and, after 1926, virtually impossible to do so. Similarly, the small counties enjoy a status which the accident of history alone conferred upon them, and which, by the criteria of today, would not be accorded them. This point was developed in the debates on the 1944 Education Act, which took the counties and county boroughs as the local educa-

<sup>1</sup> Section 2, Rural Water Supplies and Sewerage Act (1944).

<sup>2</sup> 'White Paper on Local Government in England and Wales during the period of Reconstruction' (1945), Cmd. 6579, p. 6.

tion authorities. It was pointed out that while there should be only one education authority for any given area, this could be achieved by granting powers of secondary and further education to suitable existing Part III authorities, particularly as many of these were larger than several county boroughs and some counties. It seemed arbitrary to deny the position of a local education authority to progressive and virtually autonomous Part III authorities like Ilford (population 180,000)<sup>1</sup> or the Rhondda (population 120,000)<sup>2</sup> while automatically granting the status to 12 county boroughs or 11 counties with populations of less than 60,000 (the figure suggested as a suitable minimum standard for a divisional unit of an education area). This problem is a recurrent one, and cannot in fact be avoided except by promoting many boroughs to be county boroughs, or demoting many counties or county boroughs from their present status. Either course would involve a radical upsetting of the present system and as long as it is not considered possible or desirable to do so, the arbitrary decision must be retained. The position which results from reforming local government services before reforming local government itself was clearly stated by Mr. Butler, as Minister of Education: 'The issue . . . is whether I am to attempt in an Education Bill to remedy those anomalies completely or not. My answer is that, if the Committee want reform, they have to take the local government world as they find it and not try to reform it by way of this measure. That is why the Government have taken what amounts to a simple decision, though it leads to a good deal of heartburning and distress, namely, to take county boroughs and counties as we know them as local education authorities under the Bill. It has been said that this is very sad. There are places, such as my Hon. and Learned friend<sup>3</sup> represents, which are of great magnitude and which have in themselves every possible quality for the exercise of educational duties. I do not deny that, but if once I depart from the firm basis upon which I stand in this Bill, where am I to stop? . . . The general position of the Government is that they prefer to stand on the basis of county and county borough because they know where they are in doing that.'<sup>4</sup>

<sup>1</sup> See House of Commons Official Report, April 5th, 1944 (Mr. G. Hutchinson), Fifth Series, Vol. 398, c. 2033.

<sup>2</sup> Ibid. (Mr. Mainwaring), c. 2040.

<sup>3</sup> Mr. Geoffrey Hutchinson, M.P. for Ilford.

<sup>4</sup> Official Report, Fifth Series, Vol. 398, cols. 2068-71.

It is contended that another drawback in relying exclusively on the county and county borough is that the distinction between them is based on the separation of town and country. This, if proved to be a disadvantage, would seem to be of a more fundamental character, since it cannot be avoided merely by increasing or reducing the number of county boroughs, but goes to the very root of the idea of a county borough. It does appear that for some at least of the functions of local government the separation of town and country is untenable.

For instance, in respect of hospital provision, criticisms have been levelled against county and county borough areas. Practically all the regional reports of the Hospital Survey draw attention to the inappropriateness of local government boundaries for the purposes of hospital provision, just because they separate the town from the country. This separation occurs in two kinds of situation. In a large conurbation there may be one or more county boroughs, but around them, and in between them, are small boroughs or urban districts, which form part of a county, even though they may be completely cut off from the rest of its territory and very remote from its administrative centre. But even when the county borough is the only urban centre in the middle of a more or less rural area, there is the difficulty that it forms the natural focus of the surrounding territory, but is administratively separate from it. 'County boroughs for general hospital purposes now usually stand apart from the county area round. The county areas can never be served for general hospital purposes if they are not to make use of their natural centres.'<sup>1</sup> The whole situation is reviewed in the Survey of the Home Counties Hospital Region: 'The patchwork and unrelated nature of the administrative areas has led to correspondingly piecemeal and inconvenient arrangements. It frequently happens that an administrative boundary divides a single urban area into two, with the result that patients living within easy reach of one municipal hospital are debarred from using it and directed to another farther away because the first does not happen to belong to the council of the area in which they live. Sometimes user agreements between local authorities provide a practical solution but the natural tendency is for each authority to plan and develop its own services to meet the needs of its own inhabitants regardless of the needs and services of its neighbours. Examples of

<sup>1</sup> Hospital Survey: Sheffield and East Midlands Region, p. 75.

the irrelevance of administrative boundaries to the distribution and flow of hospital traffic in the survey area are found in the County of London boundary at several points, in the boundaries between North-East Middlesex and South-East Herts, between East and West Sussex on the coast, and between Dorset and Bournemouth. A form in which this difficulty arises most acutely is on the boundary between county and county borough, which may involve the denial to patients living in a town, but not in the county borough itself, of the use of services provided by the county borough. The example of Southampton and Hants may be quoted as a district in which the "town" has outgrown the boundaries of the county borough, with the result that some Southampton residents are not eligible for admission to the borough hospitals because they live outside the administrative borough.<sup>1</sup>

This problem of the separation of town and country by local administrative boundaries has been raised not only at the county and county borough level, but also at the lower level of the districts within the county. Attention has been increasingly drawn to the relation of the borough or urban district to the surrounding rural area. First, with so many small boroughs, urban and rural districts, the attainment even of a minimum population like 10,000 would involve considerable amalgamations. It will be recalled that even after the County Reviews of 1930-38 there were still left 95 boroughs, 299 urban districts and 149 rural districts with populations of less than 10,000. But, as a second point, it is contended that there is not only an economy to be gained from the fusion of interests; there is a definite community of interest between the neighbouring areas. This point has been made with particular reference to the relationship of the small market town — borough or urban district — to its surrounding rural area. The question of amalgamation was raised (see Chapter V *supra*) before the Royal Commission on Local Government; as a result of the counties' recommendations a number of small urban districts were merged in rural districts. The borough — however small — was then considered inviolable, but there has been a considerable modification in respect of this in recent years. In the discussions on the Local Government (Boundary Commission) Bill of 1945 it was pointed out that the Commissioners would have power to merge a borough and a rural district into a single administrative

<sup>1</sup> Hospital Survey: Home Counties Region, pp. 2-3.

area.<sup>1</sup> But, short of complete fusion of an urban and a rural area into a single administrative entity for all local government purposes, there has been a noticeable tendency in recent years to combine districts into units for particular functions. This has affected not merely the rural areas, where the relationship of the market town to its dependent territory is fairly clear, but urban or mixed urban-rural areas. In these, the grouping has been of local units which are contiguous and have a certain community of interest. This grouping is the first point to notice in this tendency. A further characteristic is that the combination is effected with a view to the performance of a specific function either by delegation from the county council or under some scheme arranged by the county council, and there is a committee whose membership generally comprises representatives of both the county and the district councils concerned. Thus, when the public assistance functions were transferred to the counties under the 1929 Act, a subsequent measure, the Poor Law Act of 1930 (section 5), provided that counties should be divided into 'guardians committee areas', each of one or more county districts, and that the guardians committee should comprise members of the county council and of the district councils in the area served by the committee, with power to the county council to add other members up to a third of the total membership. The guardians committee would act as a statutory local sub-committee of the county public assistance committee — dealing with individual cases of applications of relief and, if desired, visiting institutions in their area. Of course, the linking of county districts for this purpose was not introduced by the 1930 Act, but was a carry-over of the union areas, which often persisted in a modified form as guardians committee areas. As an administrative device, the object was to utilize local knowledge and to avoid the delay, congestion and inconvenience to applicants which would occur if all cases of outdoor relief had to be taken to a central county committee for decision. To secure co-ordination, the Poor Law Act provided that the guardians committee should have power to send its chairman or another representative to attend meetings of the county public

<sup>1</sup> As the text of the Bill safeguarded the charter of every borough, such amalgamation could only take the form of the absorption of the rural district by the borough, and an amendment was moved to allow the reverse process to take place — that the borough should be absorbed by the rural district. But the general idea of the fusion of the two areas was not in question. See Official Report (June 5th, 1945), Fifth Series, Vol. 411, cols. 791-803.



assistance committee, though without a vote. A rather different form of delegation to a combination of districts is found in education. Here the provisions were made universally applicable by the Act of 1944, but several county councils had in fact been operating district committees for education for many years before. Lancashire, the West Riding, Essex and other counties had worked a system of delegation to local committees or sub-committees, though these were often composed of only one county district.<sup>1</sup>

Town and country planning is a field in which there have been numerous joint arrangements between country districts, and the councils of several counties have arranged joint planning committees on which both the county council and the county districts are represented. Here again, the scheme-making function of the county council is to be noted, as in the arrangements for appointing medical officers of health for two or more districts.

The system of grouping county districts together, and then the county delegating powers to a committee composed of their representatives has been incorporated in the 1944 Education Act. Here each county is empowered — not compelled — to prepare schemes of delegation to divisional executives: the 'excepted districts' also function in fact as divisional executives.<sup>2</sup> The principle of the divisional executive was claimed as a striking contribution to the solution of local administrative problems. 'I believe most definitely', said Mr. Butler, on the Third Reading of his Education Bill, 'that the powers delegated under this schedule give local initiative wider opportunities than were given to Part III authorities. As we have invented, in the world of schools, a new school, the controlled school, so, I believe, those who try to follow us in attempting to reform local government will find that the system of delegation included in the First Schedule has in it at least one new invention, which is a good invention.'<sup>3</sup> Indeed, an apparently analogous system of divisional executives was contemplated as a part of the health service scheme that followed the Education Act. Section 22 (4) of the National Health Service Act provides that where a system of delegation to divisional executives is

<sup>1</sup> For West Riding see R.C.L.G. Mins. of Evidence, pp. 672 sqq; for Kent see pp. 1677 sqq; for Essex p. 796.

<sup>2</sup> Urban districts or non-county boroughs previously Part III authorities with a population of 60,000 or a school population of 7000; and certain other Part III authorities whose applications to become Part III authorities were granted by the Minister.

<sup>3</sup> House of Commons Official Report, Fifth Series, Vol. 399, c. 2261.

in operation in respect of the education and school medical services, a similar system may be made in respect of the functions of local health authorities relating to the care of mothers and young children.

Thus it is at least possible that the device of the divisional executive may appear as a solution to some of the problems which the redistribution of functions from districts to counties was intended to correct. It will be recalled that the objects of this redistribution were threefold — to get larger areas, to prevent two separate authorities having similar powers over the same area, and to prevent authorities of similar capacity being given widely varying powers. It will be seen that the divisional executives in education (where they have been formed) generally comprise the areas of several county districts; they enable higher and elementary education to be fused even at a comparatively low administrative level, and they remove the inequity of certain boroughs and urban districts enjoying Part III powers, which, for purely historical reasons, other areas of similar capacity could not obtain; further, the district councils as a whole now obtain a chance to have some say in the administration of higher education, which was formerly beyond the reach — in theory, at any rate — even of a Part III authority. Reverting finally to the area aspect, it may be said that there is evidence for the gradual emergence of a kind of sub-county unit, composed of two or more districts. The districts associated together may vary in numbers, according to whether the service is education or public assistance or town planning. It is significant also that there are other administrative divisions of the county area, which also approximate to a grouping of districts, even though some of them most rarely coincide with the district boundaries. There are the divisions of the county administration — police divisions or divisional areas of the surveyors of county highways; in the judicial field there are the county court registries and the petty sessional divisions — all the units of what Mr. E. W. Gilbert has called the 'micropolitical geography' of the country.<sup>1</sup> It is accordingly reasonable to point to the possible emergence, in varying forms, and with differing areas, of a sort of sub-county unit, smaller than the geographical county, larger than the individual district, and containing a town or towns with a surrounding dependent area.

<sup>1</sup> 'Practical Regionalism in England and Wales', *Geographical Journal* (1939), XCIV, 43.

#### D. *Joint Authorities and Arrangements*

The third principal modification that has been affecting the existing structure of local government has been caused by the extensive and increasing use of joint authorities. Such authorities may be of diverse origins from the legal point of view. They may be in the first place constituted under a special Act of Parliament. This is generally the case when the object is to create and administer a service of great size and importance. Thus the Derwent Valley Water Board was constituted in 1899 by a special Act, to allow Derby, Leicester, Nottingham and Sheffield to combine in undertaking drawing water from the Derwent valley watershed.

Secondly, there may be clauses in general Acts dealing with specific local government services empowering authorities to combine for the purpose of the function contained in the Act. There are such provisions, to take a few random instances, for the treatment of lunacy,<sup>1</sup> for the care of mental defectives,<sup>2</sup> for the treatment of tuberculosis,<sup>3</sup> for the provision of public libraries,<sup>4</sup> for the purposes of educational provision,<sup>5</sup> or for the preparation of a town planning scheme.<sup>6</sup>

Thirdly, there are the clauses under general Acts permitting local authorities to combine for a very wide range of functions. This power originated in section 279 of the Public Health Act of 1875, by which the President of the Local Government Board might, if it seemed advantageous to the districts concerned, constitute a joint board for any of the purposes of the Act — sewerage and drainage; scavenging and cleansing; water supply; regulation of cellar dwellings and lodging houses, nuisances, offensive trades and sale of meat; infectious diseases and hospitals; highways and streets; provision of public pleasure grounds; markets and slaughter houses. These powers have been inserted in the subsequent Local Government Acts, and the Local Government Act of 1933 gives a general power to any local authority to form a joint committee with any one or more other local authorities for any purpose in which they are jointly interested;<sup>7</sup> similarly joint boards may be constituted for any public health purpose.<sup>8</sup>

From the point of view of constitution joint authorities are generally

<sup>1</sup> Lunacy Act (1890).

<sup>2</sup> Mental Deficiency Act (1913).

<sup>3</sup> Public Health (Tuberculosis) Act (1921).

<sup>4</sup> Public Libraries (Amendment) Act (1893).

<sup>5</sup> Education Act (1921).

<sup>6</sup> Housing and Town Planning Act (1919); Town Planning Acts (1925 and 1932).

<sup>7</sup> Section 91.

<sup>8</sup> Public Health Act (1936), sections 6, 8.

classified into joint committees and joint boards. Briefly speaking, the difference may be expressed as follows. Joint committees are 'merely temporary creations dependent, both for their continued existence and for the powers which they may exercise, upon the extent to which the appointing bodies are prepared from time to time to make use of them'. On the other hand joint boards 'are entities altogether separate and distinct from the authorities which appoint their members. They are almost invariably bodies corporate with a perpetual existence which does not permit of their dissolution merely by the withdrawal of one of the appointing authorities from further participation in the scheme they control. Their powers and duties are in consequence determined once and for all at their creation, and cannot be revoked or altered merely at the wishes of one or more of the appointing authorities'.<sup>1</sup> The crux of the matter is the financial position of the two types of authority. The joint boards are autonomous financially and can precept on their constituents; the joint committees are entirely dependent for funds on the discretion of their constituent authorities.

A further grouping within the class of joint boards may be defined. It is composed of those which contain a statutory proportion of members from bodies other than local authorities. This may occur because an Act requires the joint authority to contain representatives of certain interests. Thus the Land Drainage Act of 1930, which set up catchment boards composed of representatives of county and county borough councils, provided that one member of each board should be appointed by the Minister of Agriculture and up to a third of the other members nominated by the Minister to represent any internal drainage boards within the catchment area and any portion of the area for which an internal drainage board could have been appointed.<sup>2</sup> At the other end of the scale in this grouping come certain joint authorities which are in fact a combination of local authorities and private enterprise. Perhaps the readiest example is the joint electricity authority. Under the Electricity (Supply) Acts of 1919 and 1922 one of these may be constituted by an Order of the Electricity Commissioners, confirmed by the Ministry of Transport and approved by Parliament. They are composed of representatives from

<sup>1</sup> Hart and Hart, *An Introduction to Local Government Law and Administration* (1938 edn.), p. 137.

<sup>2</sup> Land Drainage Act (1930), section 3.

'authorized undertakings within the Electricity District, either with or without the addition of representatives of the Council of any County situate within the Electricity District, Local Authorities, large consumers of electricity, and other interests, including the persons employed in connection with the supply of electricity'.<sup>1</sup> Four J.E.A.s have been formed — London and Home Counties, West Midlands, N.W. Midlands, North Wales and South Cheshire. The first three are operating bodies, the last advisory only. The functions of the operating bodies include the owning and operating of generating stations and the distribution of electricity over certain parts of the area. These authorities are of mixed composition: thus the London and Home Counties J.E.A. has 37 members representing 45 municipal and 36 company undertakings.

The following table shows the number of joint authorities having financial transactions in 1943-44;<sup>2</sup> it will serve to show both the number of joint authorities operating at the end of the period under review and also the variety of services for which joint bodies have been set up:

<i>Education</i>	Elementary Education	7 <sup>3</sup>
	Higher Education	18 <sup>4</sup>
	Libraries	2
	Welsh Education (Intermediate)	77
<i>Public Health</i>	Sewerage and Sewage Disposal	40
	Scavenging	1
	Tuberculosis Hospitals	8
	Venereal Diseases Hospitals	2
	Infectious Diseases Hospitals	201
	Maternity and Child Welfare	2
	Parks, Gardens and Open Spaces	14
	Baths and Wash-houses	1
	Port Health Authorities	24
	Prevention of Disease	1
	River Pollution Prevention	4
	Mortuary	1
	Other Health Services	26 <sup>5</sup>
<i>Town and Country Planning</i>	Mental Hospitals	3
	Mental Deficiency	17
	(1937-38 Returns)	129

<sup>1</sup> Electricity (Supply) Act (1919), section 6.

<sup>2</sup> Ministry of Health Local Government Financial Statistics, 1943-44.

<sup>3</sup> Three Joint Managers of Industrial Schools and four of Schools for the Blind, Deaf, Defective or Epileptic.

<sup>4</sup> Mainly for management of Technical Colleges: e.g. Southern College of Art Council or a body like the West Midlands Advisory Council for Further Education.

<sup>5</sup> Nineteen Joint Committees for the provision of ambulances, four for the appointment of an M.O.H., etc.

<i>Agriculture and Fisheries</i>	Allotments and Small Holdings	2
	Catchment Boards	49
	Diseases of Animals	1
	Sea Fisheries	10
<i>Trading</i>	Gas	4
	Water	56
	Electricity	4
	Harbour	51
	Transport	4
	Cemeteries	8
<i>Others</i>	Tunnels	1
	War Memorials	2
	Highways and Bridges	4
	Fire Brigades	54
	Police	1
	Street Lighting	1
	Administration of Justice	4
	A.R.P.	11
	Ferries	2
	Miscellaneous	4 <sup>1</sup>

To what can the establishment of these joint committees, with their varied constitution and function, be attributed? The Government 1945 White Paper answers that these joint bodies have been formed 'where the nature of the service demands a wider unit of administration'.<sup>2</sup> This general consideration can perhaps be analysed into several more precise factors, which singly or in association induce local authorities to combine. The service in question may be one which involves the provision of an institution requiring a minimum number of consumers to make it workable; or the nature of the area needed for the service may be dictated by considerations entirely different from those characteristic of local government boundaries; or it may require a wide area, or one that includes both town and country; finally, it may be merely a question of two authorities combining to provide a joint service as an economy measure. A few illustrations may serve to show how these factors have led to the formation of joint authorities.<sup>3</sup> The provision of hospitals is a case of a service requiring a certain minimum number of consumers to ensure economically feasible units, and the factor operates at different levels; smaller authorities charged with the function of providing the

<sup>1</sup> E. and W. Ashford Joint Committee, Ledbury Parish Property, Western Valleys (Monmouthshire) Omnibus and Travelling Committee, Northwich Salt Compensation Board.

<sup>2</sup> 'Local Government in England and Wales during the period of Reconstruction' (Cmd. 6579), p. 3.

<sup>3</sup> The technical requirements of different services in relation to areas of administration are treated in more detail in Chapters X and XI.



less elaborate type of institution and larger authorities who have to furnish the bigger and more specialized hospitals were alike led to combine to perform their respective functions. It was originally considered that the provision of hospitals was a local sanitary function, and the Public Health Act of 1875 accordingly empowered the urban and rural (sanitary) districts to provide hospitals, including those for infectious diseases.<sup>1</sup> The power of providing isolation hospitals only was given to the counties by the Isolation Hospitals Acts of 1893 and 1901, and both classes of authorities were granted the power to provide both general and isolation hospitals by the Local Government Act of 1929.<sup>2</sup> But this Act also laid upon the county councils another of the 'foreman' duties previously referred to; they were required to prepare a county scheme providing an adequate system of infectious disease hospitals, including the combination of urban and rural districts to maintain the isolation hospitals. Thus in 1928 there were 209 joint boards and committees for the maintenance of isolation hospitals. Answers from 200 of these joint bodies, comprising 826 local authorities, showed that 65 owed their formation to county councils, acting under the Act of 1893, 50 had been formed by county councils acting under section 57 of the Act of 1888, and 85 had been constituted by the Minister through a Provisional Order.<sup>3</sup> Under the provisions of the 1929 and 1936 Acts (section 185) the provision of isolation hospitals under county schemes included many joint arrangements. In 1939, whereas the provision in 74 districts was made by the urban or rural district council acting independently, in no less than 812 county districts were the isolation hospitals provided by a joint arrangement between the authorities of the districts concerned.<sup>4</sup> As regards smallpox hospitals the figures were 38 and 442 respectively.<sup>5</sup>

At the other end of the institutional scale, there is the provision of mental hospitals by counties and county boroughs. Of 101 mental hospitals, 26 were maintained by joint arrangements, the others being in the sole possession of separate counties or county boroughs.<sup>6</sup>

<sup>1</sup> Section 131.

<sup>2</sup> Section 14.

<sup>3</sup> Royal Commission on Local Government: Minutes of Evidence, p. 2153.

<sup>4</sup> In addition, 133 districts had hospitals directly provided by the councils and for 43 adjoining county boroughs under special arrangements. See Ministry of Health Annual Report, 1938-39, p. 14.

<sup>5</sup> Ibid. The county councils provided smallpox hospitals directly for 550 districts, and county boroughs by arrangement for 38.

<sup>6</sup> See *Municipal Year Book* (1942), pp. 261 sqq.

As examples of joint authorities whose formation is due to the special requirements of the services they are to provide, may be cited all those which are concerned with such functions as water supply, the prevention of river pollution, land drainage, sewerage and sewage disposal. All these services are operated in one way or another in accordance with the lie of the land, and their areas are — or should logically be — dictated by physiographic circumstances. Two celebrated examples are the Birmingham, Tame and Rea District Drainage Board, covering an area of 1,265,000 population, and the Mersey and Irwell Joint Committee, charged with conservancy and pollution prevention functions.<sup>1</sup>

Certain local government functions require a particularly wide area for their operation — for instance the provision of passenger transport services or the preparation of town planning schemes. In the case of the former service very few joint authorities have been formed; the Stalybridge, Hyde, Mossley and Dukinfield Tramways and Electricity Board, the Burnley, Colne and Nelson Joint Committee, Tees-side Railless Traction Board and West Monmouthshire Omnibus Board are the only combinations of local authorities for transport purposes, though other local authorities, such as Halifax and Huddersfield, have joint committee arrangements with the railways or omnibus companies. In town planning, however, which is notable for the need it involves of linking both urban and rural areas together over a wide tract of country for the preparation of a plan, there are very numerous joint committees — both advisory and executive.

Finally, there must be noted the sort of arrangements made by local authorities between themselves with a view merely to mutual convenience and the avoidance of expense due to unnecessary duplication of services. Such arrangements may vary from a joint committee of two parish councils to provide a hearse or a steam-roller to an agreement of the type made by Westmorland County Council with the Borough of Kendal, under which it can draw on the latter's Public Library and thus avoid the need for creating a separate County Library system of its own.<sup>2</sup> In this connection, reference must be made to the existence of very numerous arrangements of a contractual

<sup>1</sup> See A. Redford, *History of Local Government in Manchester* (1940), II, p. 393. In 1938 the Mersey and Irwell Joint Committee and the Ribble Joint Committee were combined in the Lancashire Rivers Board.

<sup>2</sup> L. R. McColvin, *The Public Library System of Great Britain*, p. 12.

nature between local authorities, whereby one local authority supplies other authorities with services from its own undertakings. This is particularly true of the various trading services, and local authorities with gas, water, electricity or transport undertakings frequently supply at least a limited number of consumers outside their own boundaries. This development of mutual arrangements between authorities, whether through the medium of a joint authority or by the device of one authority extending its services outside its own boundaries, constitutes a considerable modification of the existing area structure of local government. They allow of a *de facto* alteration of service areas, whilst retaining unchanged the *de jure* boundaries of local authorities. Joint authorities have been criticized on two main grounds. First, because they are indirectly elected bodies and therefore in principle at least one stage removed from the democratic control of the electorate. It is further contended that the operation of these bodies involves a dilemma. If they are kept closely under the supervision of their constituent authorities, and every decision must be referred back for approval, then the working of a joint committee is cumbrous and subject to numerous delays. If, on the other hand, a joint board is constituted with considerable discretion and financial autonomy, it becomes, so the argument runs, an irresponsible body, able to precept at will on its constituents, who have lost effective control of the organization they are rated to support.

The second line of objection to joint authorities points out that if they are developed and increased, a complex of *ad hoc* bodies, with overlapping areas, will be superimposed upon the existing structure. This would not only lead to confusion in the public mind but, by splitting up the responsibility for expenditure between so many separate authorities, prevent any effective co-ordination of finance or budgetary planning. The ordinary local authorities would be reduced to the function of finding the money for indirectly elected bodies which they could not control. If the problems of local government services are so diverse that a system of varying areas, delimited separately according to the technical needs of each function, are inevitable, then at least the areas in question could be under the care of directly elected authorities. 'The general convenience of arrangements which make it possible to have an area of administration exactly appropriate to any particular service, and to set up an authority for that area chosen by persons who are themselves direct

representatives cannot be denied. But it is true that the system, if completely generalized, would leave the constituent local authorities who choose the members of the boards with little to do beyond nominating those members, instead of administering services themselves.<sup>1</sup> On the other hand, it can be urged in favour of joint authorities that they are a convenient method of satisfying the technical requirements of individual services, and of effecting substantial economies, without upsetting the present order of authorities and creating an entirely new system. The great merit of flexibility is held to be theirs, and it is urged that joint arrangements allow authorities to combine when it is necessary, without forcing them into union when it is not. Above all, the joint authority is a device for adapting the existing system to present requirements without changing it, and it is accordingly to be expected that any plan for the improvement of local government without changing the basic structure of counties and county boroughs will have recourse to the device of the joint authority.

On the question of the reform of local government, the official Government attitude was expressed in 1945, both in the White Paper and during the debate in the House of Commons upon the White Paper. It was that, though there was a case for reform, it could not be undertaken during the reconstruction period. 'The time is not opportune for a general recasting of the local government structure.'<sup>2</sup> It was based on two principal considerations. 'There is no general desire in local government circles for a disruption of the present system, or any consensus of opinion as to what should replace it; and secondly, that the making of a change of this magnitude, which would by common consent have to be preceded by a full-dress inquiry, would be a process occupying some years and would seriously delay the establishment of the new or extended housing, educational, health and other services which form part of the Government's programme.' With regard to the first point, it should be mentioned that, of the schemes of local government reform prepared by the Associations of County Councils, Municipal Corporations, Urban District Councils and Rural District Councils and by the National Association of Local Government Officers and the Labour

<sup>1</sup> Cmd. 6502, 'A National Health Service', p. 78. Appendix C discusses the advantages and defects of joint boards.

<sup>2</sup> 'White Paper on Local Government during the Period of Reconstruction' (Cmd. 6579), p. 4.

Party, only those of the U.D.C.A. and R.D.C.A. propose to leave the structure as it is, subject to any necessary and relatively minor adjustments. The schemes are all different, and, in the case of the local authority associations, have been criticized as being too greatly biased in favour of their own type of authority. But, with the exception of the two schemes mentioned, they all envisage a structure of local government authorities and areas different from that existing at present. Secondly, while not contending that it is possible to wait until local government is reformed before the various essential services can be replanned and new schemes carried out, attention has been drawn to the danger of 'disintegration'.<sup>1</sup> For instance, on July 19th, 1943, the County Councils' Association and the Association of Municipal Corporations jointly issued a memorandum on the problem of local government reconstruction, in which they called attention to the tendency of Government departments to reorganize their own services independently. 'The present proposal to redistribute services before there has been an impartial inquiry to ascertain the best local government units for the purpose is wholly misguided and represents an attempt to begin improvements at the wrong end . . . Each Department appears to proceed with its own ideas without apparent regard for those emanating from others, and two typical instances may be cited — the National Health Service scheme put forward by the Ministry of Health and the educational proposals introduced by the Board of Education. The Associations believe, however, that the consequent likelihood either of different areas being prescribed for each major service, or of some of these services being made to fit into areas selected solely for the needs of another can result only in confusion, waste and inefficiency.'<sup>2</sup>

The Government, however, took their stand on the views enunciated in the letter sent by the Minister Without Portfolio (then Sir William Jowitt) to the two Associations of Local Authorities in which the difficulties of a thorough inquiry were stated, and it was pointed out that the Government entertained very little hope that the result

<sup>1</sup> 'There is a great fear that while the different departments of state are each proceeding with the development of their own schemes, involving far-reaching measures of social reform, insufficient thought is being given to the machinery of local government by which they are to be carried into effect, in consequence of which there is a grave danger of the disintegration of democratic local government.' — West Riding C.C. Reconstruction Committee (reported in *Municipal Journal*, January 28th, 1944, p. 136).

<sup>2</sup> *Municipal Review*, August 1943, p. 151.

of such an inquiry — even if unanimously recommended — would find general acceptance. The Government had therefore come to the conclusion that 'they would not be justified in deferring further consideration of the various Departmental proposals affecting particular services until the whole position had been the subject of a comprehensive inquiry'.<sup>1</sup>

The Government plan, therefore, of improving local government was to use the existing structure, and, in particular, to build on the counties and county boroughs as the basic units.<sup>2</sup> But to put this scheme into effect, two further developments were envisaged — the increased use of joint authorities and a new method of altering the areas and status of local authorities. It has already been pointed out that the joint authority is a device to render workable a system whose areas are in many cases no longer appropriate for the services which have to be administered. Accordingly, the joint authority was accorded a prominent place in the plans for reconstruction of local government services. The White Paper proposals on a National Health Service, published by the coalition Government in February 1944, selected the joint board as the appropriate agency for administering the local authority hospitals. 'Sometimes simple combination of a county with the county boroughs within its boundary (i.e. the geographical county as a unit) will be sufficient; sometimes the linking of two or three small counties will be needed.' In exceptional cases — e.g. the County of London — a single county would serve as the authority.<sup>3</sup> The White Paper envisages the counties and county boroughs administering the local government health services individually as local health authorities and the hospital service in combination through the joint authorities, which should also be responsible both for formulation of an area hospital plan by arrangement with the voluntary hospitals, and also for the co-ordination of all health services within their area. The Labour Government's National Health Service Act transferred all hospitals, both voluntary and local authority, to the state to be administered through regional boards, but it retained the joint board idea, as a device by which the local health authorities themselves might be combined, 'wherever, excep-

<sup>1</sup> Cf. Official Report, Vol. 392, cols. 195-8.

<sup>2</sup> 'They prefer to rely on the existing structure based on the county and county borough, with appropriate machinery, where necessary, for combined action.' (White Paper, Cmd. 6579, p. 6.)

<sup>3</sup> Cmd. 6502, p. 16.



tionally, this may be found desirable';<sup>1</sup> the provisions are contained under section 19 and schedule 5 of the Act, which gives the Minister power by order to constitute a joint board after local inquiry, if it appears to him 'expedient in the interests of the efficiency of the services' provided by local health authorities. Similar arrangements for constituting joint boards of local education authorities ('Joint Education Boards') are provided for the Minister of Education under schedule 1 of the 1944 Education Act; he can constitute such a board of two or more local education authorities when it appears to him that this would 'tend to diminish expense or to increase efficiency or would otherwise be of public advantage'. In the case of yet another service, the same Act which finally made the counties and county boroughs the sole administrative area also provided for the compulsory combination of them. The Police Act, 1946, was passed 'to abolish non-county boroughs as separate police areas; to provide for the amalgamation of county and county borough police areas.' Section 1 implemented the recommendations originally put forward by the Desborough Committee that the non-county borough forces should be merged in the county forces; after April 1st, 1947, only the counties and county boroughs will be police areas. But section 2, after providing for voluntary amalgamations between county and county borough forces, gives the Home Secretary power to set out a scheme of combination, to send down an independent commissioner to hold an inquiry, and then to make an order for compulsory amalgamation under a joint authority (subject to cancellation by Parliament through a negative resolution). A proviso was incorporated at the Standing Committee stage under which counties or county boroughs with a population of 100,000 or over are protected against compulsory amalgamation with an area of larger population. But it is remarkable to note that in these three measures, side by side with the provisions that make the counties and county boroughs the responsible authorities, abolishing non-county boroughs or urban districts as Part III education authorities, as maternity and child welfare or other health authorities, or as local police authorities, are included these powers for combining the new basic authorities themselves into joint authorities. This may be due to a recognition of the inherent difficulty of the situation whereby the urban centres of population are administra-

<sup>1</sup> Cmd. 6761, National Health Service Bill: Summary of the Proposed New Service, p. 14.

tively separated from the surrounding county areas. The joint bodies may be regarded purely as a limited development, for dealing with a few specific services. But the fact that the joint authority is a temporary device to allow services to be reorganized without having to wait until the system of local government areas is recast, has been stressed, and it is significant to note that the 1945 White Paper on Local Government Reconstruction observes: 'To proceed in this way does not rule out ultimate integration of the joint bodies in any area into a single compendious unit, if experience should show this to be desirable.'<sup>1</sup>

#### E. *The Boundary Commission*

The decision of the Government to set up new machinery for the alteration of local areas was one that accorded generally with the views of all concerned. Both the Reconstruction Reports of the National Association of Local Government Officers and of the Labour Party specifically recommended a Boundary Commission, and recommendations for machinery to effect an extensive adjustment of local government areas were also made by the County Councils' Association and the Association of Municipal Corporations. Similarly, before the Act of 1929, the need for a general County Review had been substantially agreed by all parties. The Government proposals, set out in the White Paper of January 1945, expounded in the House of Commons Debate on February 15th, 1945, and enacted by the Local Government Boundary Commission Act, were that a small Boundary Commission should be appointed, with executive powers, and with the duty of reviewing the areas and status of all local authorities in England and Wales outside the County of London.<sup>2</sup> The situation facing them would be complex. First, there would be the cases for alteration of areas, creation of county boroughs, amalgamation of districts and so on, which would have arisen in the

<sup>1</sup> Loc. cit., p. 6.

<sup>2</sup> It seemed most appropriate to close this historical survey with the Act setting up the Boundary Commission, and the Minister's Regulations which give precision to some of the terms of the Act. The actual proceedings of the Commission, beginning with the issue of their Practice Notes, are thus beyond the scope of the present study. The very brief summary of the nature and tasks of the Commission is drawn from the following sources: The White Paper on Local Government Reconstruction (Cmd. 6579); the debates on the Second Reading and Committee Stage of the Bill (Official Report, Fifth Series, Vol. 410, cols. 1948-83; Vol. 411, cols. 785-828); the Act (8 & 9 Geo. VI, c. 38); and the Local Government (Boundary Commission) Regulations, 1945.

normal course of events, and had accumulated because of the war. Then to these would be added the new problems caused by the problems of replanning and reconstruction — the redistribution of population due to the war, the creation of new 'satellite' communities, the deconcentration of population from the crowded urban areas, and the problems of 'overspill'. Thirdly, there would be the general objective of getting a general minimum of capacity — whether measured by area, population or rateable value — among the smaller authorities, and adjusting the larger areas in the light of the requirements of the modern age and its technical developments, such as the motor car and the telephone. In the accomplishment of these objectives, two new improvements of method were sought. First, under the previous system of altering the areas and status of local authorities, changes, which should have been complementary, were made by separate methods of procedure. County boroughs had to obtain extensions of their area generally by Private Bill; boroughs could only be constituted as county boroughs by the same method. But the alteration, creation and abolition of urban and rural district could be carried out by the county councils. 'As things stand, the Parliamentary Committee, in examining a Bill, for example, for the creation of a new county borough, and the county council reviewing its county, are each dealing with part only of a problem which ought to be considered as a whole.'<sup>1</sup> The problem of areas and status could now be handled on a co-ordinated basis for each general area by a single body acting with executive power. Secondly, it had long been a question of complaint, to which the Royal Commission on Local Government had given considerable attention, that the business of altering boundaries or of constituting boroughs as county boroughs was cumbrous and excessively expensive. One of the objects of creating a Boundary Commission was to reduce the time and expenditure involved, by substituting a simple, though expert, method of inquiry for the more elaborate hearings before a Parliamentary Committee. It would be the duty of the Commission to pass in general review all the areas of England and Wales outside the County of London, and to decide what alterations, if any, were necessary, and to act accordingly. But in order to concentrate attention on the more urgent cases, the Act contained two special provisions. First that the Minister of Health could direct the attention of the Commission to

<sup>1</sup> H. Willink, Minister of Health, Official Report, Fifth Series, Vol. 410, c. 1950.

cases he considered of special urgency,<sup>1</sup> and that they should consider cases on the application of a county council or a county borough council.<sup>2</sup> The Commission would not be obliged by the Act to take into consideration applications submitted by non-county boroughs or other district councils, unless these were agreed to and submitted for them by the county council or the Minister. This restriction was intended to free the hands of the Commission, and prevent anything that might 'cumber it by too great elaboration'.<sup>3</sup>

The Commission's powers would include all those exercised either by Parliament or the county councils in relation to the alteration of boundaries or status. The powers granted under the Act include the alteration of any county, county borough, or county district boundary, with power to combine, or break up any of these areas; or to convert a borough into a county borough or to reduce a county borough to a non-county borough; the powers include the merging of an urban or rural district or districts in a borough. The statutory limit which must be reached by a borough before it can apply for county borough status was raised by the Act from 75,000 to 100,000 — according to the estimate of the Registrar-General.

The Boundary Commission's wide powers are, however, subject to certain statutory limitations. First, they are to submit an annual report with details of decisions taken and the reasons that influenced them. Secondly, their orders which affect the areas or status of a county or a county borough — including the creation of a county borough — are provisional until confirmed by Parliament. This check is a retention of the previous situation whereby the alteration of county districts could be carried out by the county councils, but changes in the area and status of counties and county boroughs required a Parliamentary Bill or confirmation of a Ministerial Order. Thirdly, the Minister can issue regulations to direct the Commissioners in their work and these regulations must be submitted to Parliament. The regulations issued by the Minister dated November 15th, 1945, lay down certain details of procedure relating to the holding of a local inquiry, and also the general principles which should guide the Commission in their work. It is stated in Article 7 of the schedule to these regulations that no county borough should ordinarily be reduced to non-county borough status if it has a population,

<sup>1</sup> Sect. 3 (1).

<sup>2</sup> Sect. 3 (2).

<sup>3</sup> Willink, loc. cit., Vol. 411, c. 811.

according to the Registrar-General's estimate, of more than 60,000, and, 'in the absence of substantial agreement an order uniting a county with another county should not ordinarily be made unless the population of the smaller county as so estimated is less than 100,000. The Commission's instructions (schedule, para. 2) list some of the factors that they should take into consideration in coming to their decision:

- (a) Community of interest.
- (b) Development, or anticipated development.
- (c) Economic and industrial characteristics.
- (d) Financial resources measured in relation to financial need, including in particular, but not exclusively, the average rateable value per head of population, rates raised per head of population and the estimated product of a given rate poundage.
- (e) Physical features, including in particular, but not exclusively, suitable boundaries, means of communication and accessibility to administrative centres and centres of business and social life.
- (f) Population — size, distribution and characteristics.
- (g) Record of administration by the local authorities concerned.
- (h) Size and shape of the areas.
- (i) Wishes of the inhabitants.

With regard to the relationship of town and country, the Commission are not to regard these as being necessarily either diverse or complementary. In all their decisions, they are directed to keep in view the governing principle by which they should be guided in exercising their functions under the Act, 'to ensure individually and collectively effective and convenient units of local government administration'.

The Local Government (Boundary Commission) Act of 1945 can fairly be regarded as marking a decisive point in the history of the development of local government areas, and it has therefore been taken as the terminus of the period under review in this study. It set up machinery for the complete revision, where necessary, of areas and boundaries under an integrated and uniform method, and an entirely new administrative map of local government may be the result. While it is not the final stage in the development of areas, it opens an epoch as clearly as did the Acts of 1834, 1888 and 1894 which have been taken as the landmarks in the earlier parts of this study. It remains only to recall that the Boundary Commission is

not the first but the second Local Government Boundary Commission. The present Commissioners' predecessors of 1887 produced, in a remarkably short time, a thorough and, in some ways, strikingly bold scheme of reorganization; their recommendations were not implemented and their work is now forgotten. The 1945 Act has aimed to prevent the recurrence of such a phenomenon by giving the Commissioners executive powers, subject only to the confirmation of certain decisions by Parliament. In this way, the weakness which made the work of 1887 ineffective might be avoided. Finally, it is perhaps permissible to pay tribute to the prescience of the first proposal for a Boundary Commission in 1873 by Dr. William Farr, that 'there should be a Commission appointed by H.M. Government, consisting of the best men that can be got, who should represent the different interests in the country and, who should, with the ordnance map before them, and after local inquiry, submit a plan to H.M. Government, who would frame a well-devised measure for submission to Parliament'.<sup>1</sup>

1873: Select Committee on Parish, Union and County Boundaries, p. 73.



## CHAPTER VII

### PLANS FOR A NEW STRUCTURE: 'AD HOC' AND ALL-PURPOSE AUTHORITIES

#### A. *Classification of Schemes*

IN the previous chapter an examination was made of the policy of reforming local government on the basis of the existing structure. But there have been numerous plans for reform involving the development of new systems of areas and authorities, and a limited selection from them may illustrate the main trends of thought upon this problem. A preliminary classification of the schemes may be made between those which, recognizing the diversity of the needs in respect of areas of the different local government services, postulate a structure with a different set of areas for each service or group of similar services, and those which lay more stress on having as many services as possible administered over the same area. This latter class of scheme — those advocating 'compendious' authorities — may be further subdivided into those which would base the system on a single rank of authorities, and those which envisage a hierarchical or federal structure, with varying grades of area and authority: the contrast is generally referred to as between 'single-tier' and 'double-tier' (or 'multi-tier') proposals. These three groups of scheme may be re-defined in rather a different way. The approach to the complex problem of areas may be made from several directions, and these vary according to the type of authority most favoured by the proponents of the scheme in question. There are those who, influenced by the need for providing each service with the area technically most appropriate to it, adopt the *ad hoc* authority as their motif. Others, impressed by the efficiency and public interest manifested in the county borough type of local authority, accept the single-tier unit as the ideal basis for a reconstruction of local government. Again, those influenced by the general need for larger areas in local government administration as a whole, call for 'regional' areas of administration. Such areas would be of such a magnitude as to make inevitable in nearly all cases the provision of some kind of smaller unit inside them; the regions thus involve a double-tier structure. Thus the

three classes of scheme can be redefined again by the type of authority to which they look — *ad hoc*, county borough, or regional.

### B. The 'Ad Hoc' Authority

The *ad hoc* trend of argument starts from a contrast between the existing local authority areas and boundaries on the one hand and the needs of the services on the other. After demonstrating the lack of correspondence between them, this criticism is made the justification for constructing a new system of areas and boundaries, which will satisfy the needs of the services to be administered. But in the process of demonstrating the unsuitability of the present system, it becomes apparent that the areas required by the services themselves differ greatly from service to service. 'Whatever the causes may be, it is abundantly clear that separate areas are needed for different municipal services, if the best results are to be obtained. The determination of areas for land drainage proceeds on entirely different principles from that relating to public libraries. There is no single division of the country which is suited both for electrical supply and mental deficiency.'<sup>1</sup> But if the present system of areas is criticized because it is unsuitable for the administration of the services, it would be equally unsound to construct only one new system of areas. For that single system could *ex hypothesi* correspond to the needs of only one service or group of similar services, and to force all the other services to conform to that one set of areas would be repeating the state of affairs which is held to be a defect of the existing system. The logical remedy then would appear to be the devising of a method whereby each service could be guaranteed the opportunity of operating over the area determined to be the most suitable in the light of its own specific requirements. 'We shall find that what is required is not a single set of areas, however large or comprehensive, but a whole series of different areas for separate and distinct purposes. There is no division of the country which will suit all municipal functions.'<sup>2</sup>

In the application of the *ad hoc* principle to the conditions of the twentieth century there is, however, one significant difference from its manifestation in the nineteenth. It may be inevitable to re-create a complex of areas, but no proposal envisages the re-creation of similar

<sup>1</sup> W. A. Robson, *The Development of Local Government* (1931), p. 140.

<sup>2</sup> *Ibid.*, p. 130.

complices for elections, authorities or rating. It is agreed that a single set of elections and a uniform system of rates must apply throughout. The combination of this principle with that of a diversity of areas can be accomplished in either of two ways. The elected representatives can arrange themselves into varying groupings according to the service to be administered, or groups of elected representatives (i.e. councils) can, by an extension of the joint authority principle, similarly operate in varying combinations. The first solution was advocated by the Webbs in their *Constitution for a Socialist Commonwealth of Great Britain* (1920). They envisaged this aspect of the problem as being the reconciliation of the responsibility of the local elected representative for all local government services, with the need for elasticity in the demarcation of areas according to the needs of the different services. 'The fundamental problem of any democratic reorganization of British local government, which Socialists even more than others are called upon to solve, is how to provide for the administration as a single environmental complex of diverse services, retaining and even intensifying the bond of neighbourhood and the consciousness of common life, under one and the same body of directly elected representatives immediately responsible to their constituents — and yet to secure for each of the different public services, as wide apart from each other as local scavenging and the provision of a university, such an area of administration as will permit, in all of them alike, of a maximum of efficiency and economy.'<sup>1</sup> The Webbs stressed the importance of not confining the elected representatives to a particular field, but encouraging a broader view by associating them with the administration of all the local government services. In outline, the scheme they proposed was that the country should be broken down into wards, each of which should be 'a common and approximately equal unit of administration . . . In the vast majority of cases, it will be possible to take as the ward some existing parish or village or neighbouring group of villages'.<sup>2</sup> In towns, the existing wards would serve as the basis. The unit should comprise a self-conscious unit of a couple of thousand families in the country, and twice or thrice that number in large cities. Such a number would be one which 'could get to know personally the candidates whom it was asked to elect, which could be addressed by them in public meeting, and with which they could

<sup>1</sup> Webbs, op. cit., p. 223.

<sup>2</sup> Op. cit., p. 225.

reasonably take counsel from time to time over what are, in fact, the common concerns of them all'. The ward would be the unit for registration purposes and for the collection of taxes, and even, in sparsely populated areas, for the administration of such local sanitary services as paving, lighting and cleansing. Each ward would elect its own councillor, and these councillors would be grouped into councils with varying areas for the administration of each of the different services, each with its own office and administrative staff. 'In this way it would be possible to have one area for the administration of such services as paving and cleansing, the management of the elementary school, and the provision of allotments, under its own directly elected council; and quite another area, equally under its own directly elected council, for the supply of gas, water and electricity and the management of tramways; and yet another, equally under its own directly elected council for the organization of medical services, the provision for the sick and infirm, and the promotion of the public health. One and the same local councillor for the ward would sit as its representative in each of these councils, keeping all of them continuously in contact with the people for whom they would be severally administering, and responsible to his particular electorate for the policy pursued in each of them.'<sup>1</sup> The system would be operated with considerable flexibility, allowing existing units, such as county boroughs which were thought suitable areas for many services, to continue with most of their administrative organization intact, and every opportunity would be taken of pooling offices and staff between the different functional councils. The existing type of local councillor specializes in only one or two functions, according to the committee or committees on which he sits, though he retains, as a member of the council, a general supervisory control over the policy of all departments. But under the Webbs' scheme, the councillor would have to participate in the administration of every service, and to make this possible, the Webbs included as an integral part of their scheme the payment of members, thus making the representation of the electors a whole-time and salaried occupation.

The second method of combining unity of election with elasticity of area may be illustrated by reference to the proposals advanced by Dr. W. A. Robson in his *Development of Local Government* (1931). This scheme adopts as 'primary authorities' the counties and county

<sup>1</sup> Op. cit., pp. 226-7.

boroughs, which would be governed by directly elected councils. The boundaries of the counties would require considerable adjustment, but they are taken as the basic units for local government outside the main urban area for the following reasons. 'In the first place, they exist and exist strongly . . . In the second place, the county councils, despite their defects, are better as a class than any other type of local authority outside the large towns, to some extent because they are larger . . . Thirdly, it is a fact that the county council has a better staff of officers than most of the other local authorities outside the large towns.' Further, 'county feeling runs strongly in many counties regardless of the fact that the administrative counties for which so much patriotic fervour is felt are areas often differing widely from the ancient counties in respect of which that consciousness was first aroused. Last but not least, the county councils are powerful from a political point of view, and there is nothing to be gained from advocating proposals, which, no matter how desirable from an ideal standpoint, are practically impossible of achievement'.<sup>1</sup> The existing county boroughs could retain their position, and their numbers could be added to by lowering the population limit for county borough status perhaps to 30,000,<sup>2</sup> as the county borough type of authority is held to be the most efficient both in actual administration and in arousing the interest of the electorate.

The counties, under this proposal, would seem to be receiving an increased importance at the moment that their areas were being mutilated. This could be regarded as an argument against transferring to them the powers of the non-county boroughs or districts, whose areas would appear more compact in comparison.<sup>3</sup> On the other hand, the county councils would 'derive large compensation by becoming the sole administrative authorities for the entire county outside the independent towns' as a counterpoise to the loss they would suffer by the creation of so many new county boroughs. The scheme envisaged the eventual disappearance of the 'minor' authorities within the counties, and their replacement by district committees of the county council, composed of county councillors and other co-opted or perhaps even elected persons, rather on the model of the

<sup>1</sup> Op. cit., pp. 147-8.

<sup>2</sup> Ibid., p. 180.

<sup>3</sup> One is reminded of the remark of Sir Charles Dilke cited above, when referring to the transfer of powers from parishes to rural districts in 1894, that the areas of the rural districts were so often ragged and discrete that 'these are not areas upon which it is possible to heap work'.

Scottish county district councils or the parochial committees of rural district councils. 'There is an immense variety of forms in which this general idea may be applied. There is no reason why there should be only one district committee for each county division. There might be one committee formed for each district on a territorial basis, acting as agent or delegate for the county council as a whole; and other committees formed on a functional basis and operating directly under the public health or housing or education committees of the county council. There is no reason why the same district should be employed for all purposes. The county might be divided into different sets of district areas for different purposes, so that each district committee would have jurisdiction over a type of area most suited to its needs.'<sup>1</sup>

But the proposals' main feature — the grouping of county and county borough together into varying functional combination — may be taken as the principal answer to the argument that the creation of new county boroughs and the retention of the existing ones would render the counties unworkable. There is envisaged the development of a whole series of 'composite bodies consisting primarily of county councils and county borough councils welded together into mutating groups for particular purposes. Whether the resultant units consist exclusively of members of the constituent municipal authorities, or partly of nominated or co-opted elements is relatively unimportant. The essential principle is that diverse areas should be built up from certain more or less stable basic units'.<sup>2</sup>

Although this scheme of reform contains certain proposals (e.g. those concerning county boroughs) which might have been considered under a different head, it is taken here to illustrate the *ad hoc* principle, because of the importance which it attaches to that principle. In the centre of the system proposed are the 'stable basic units', county boroughs and counties. Below, at any rate in most of the county areas, there would be a complex of *ad hoc* areas under district committees; above, a federal system of *ad hoc* authorities for land drainage, prevention of river pollution, water supply, electricity supply, transport, education, town planning, etc. The *ad hoc* principle is thus invoked in combination with the one set of basic authorities, resulting in a system of great flexibility or complexity, according to the standpoint of the critic.

<sup>1</sup> Op. cit., p. 161.

<sup>2</sup> Ibid., p. 140.



The two schemes used so far to illustrate the *ad hoc* approach are both the result of a general survey of local government and based on certain general principles for reform. But numerous proposals for *ad hoc* areas are made in respect of a particular service by persons concerned with that service. They consider that their needs are not met by the existing structure, and that, failing a general review of local government areas, they have no alternative but to strive for a new set of areas at least for their own service, and these should be specifically based on its requirements. The case of the library service may serve to show this point. In his report on 'The Public Library System of Great Britain' (1942) Mr. L. R. McColvin describes the requirements of the library service in respect of areas. After defining the requirements of a satisfactory unit<sup>1</sup> the author admits that he is asking for 'an area of library service which will not be the same as that of existing local authorities, save in exceptional cases'.<sup>2</sup> It is possible that there would be no reform of local government areas, or if there were changes, these would not result in areas which were satisfactory or suitable for library purposes. The librarians, therefore, if they are really concerned about getting suitable library areas, which they hold to be essential for the improvement of the library service, must put in their claims. 'Unless, therefore, we are prepared to wait indefinitely, or perhaps to find our claims pushed into a very secondary place in more general deliberations, we must ourselves formulate our requirements and devise a method for securing them which can, if accepted, be operated promptly and regardless of what may or may not be done in the general field, but which can if and when the new schemes come into being, be incorporated if they are sufficiently hospitable . . . If general reforms are either lacking or prove unsuitable, we may be compelled to seek the *ad hoc* system if we are to achieve our desires. Nevertheless we would insist that the best and simplest course is for us to lend our influence towards securing a general local government system for the future in which

<sup>1</sup> Op. cit., pp. 116-18: 'It must embrace a normal natural congregation of people and be well related to their ways of living, their normal comings and goings, their interests and occupations . . . It must be large enough to comprise a sufficient number of people, desirous of using libraries, to justify the provision within and by that area of the full normal range of book supply and related services. It must have sufficient funds at its disposal from its own local rates to provide a reasonable proportion of the cost of a service, adequate as regards book stocks, premises and staff for its own normal needs . . . It must be large enough to afford useful occupation for the expert and specialized library personnel . . . It must not be too large.'

<sup>2</sup> Op. cit., p. 120.

the unit of local government for all purposes will be something comparable with the proposed library unit. That is surely the ideal. *Ad hoc* authorities, joint committees, precepting and the like are, at best, means of achieving a purpose for which existing local authorities are not appropriate. Is there any inherent insurmountable obstacle preventing the creation of general local government authorities which *will* be appropriate? We therefore ask our readers to keep this ideal before them when studying what follows. Let them not, for example, criticize us for advocating *ad hoc* authorities and their contingent elements. We do not advocate an *ad hoc* library authority save as an alternative to be adopted if suitable general local authorities are *not* instituted.'

The system of library areas proposed is that the country should be divided into a number of suitable units, each generally based on the zone of influence of an important town, and that all library authorities in the unit should be grouped under a joint library committee.<sup>1</sup> This committee, composed of representatives of the library authorities, with the addition of suitable co-opted members, would take over the responsibility for the administration of the Library Acts; it would appoint a chief librarian, and employ all library personnel and maintain all library buildings in its area.

When the main points of the McColvin proposals were embodied in the Library Association's proposals on 'The Public Library Service: Its Post-War Reorganization and Development', this undesirability of the *ad hoc* authority as an end in itself was stressed. But 'in the unlikely event of there being no general reorganization of local government areas, the establishment of suitable library authorities by the compulsory grouping of present library authorities might prove the only way, however undesirable otherwise, by which the necessary development of libraries could be secured'.<sup>2</sup> It will be remarked that this attitude of those directly interested in a particular service, who, while recognizing that the *ad hoc* method is not the ideal one on general grounds, feel compelled to fall back on it as the only apparently available means of realizing their objectives in relation to their own service, is not dissimilar from that taken up by the Government White Paper on Local Government during the Period

<sup>1</sup> The McColvin Report suggests a detailed delimitation of 'units', 9 in the County of London, 12 in Outer London, 57 in the rest of England, 5 in Wales and 9 in Scotland.

<sup>2</sup> *The Public Library Service* (Library Association, 1943), p. 8.

of Reconstruction. This also makes the point that the essential reform of existing services or the provision of new ones cannot await a general recasting of the local government structure, a process which the difference of view between those concerned would appear to render extremely controversial and protracted. Similarly, the White Paper comes to the conclusion that in many cases reorganization on an *ad hoc* basis was the only practicable course.

### C. *The County Borough Idea*

The second main trend of argument takes its rise in the advantages of having but one type of local authority, exercising all powers of local government and directly responsible to the local electorate. The advantages of such concentration need not be elaborated. From the administrative point of view it makes possible complete co-ordination between all local services. From the point of view of the public, it makes the system easy to understand and focuses interest on the single council and its activities.

The attraction of the county borough principle can be seen from the proposals to apply it even in cases when it might appear to infringe the equally valid principle of not breaking up an existing and recognizable community. This situation arises when it is desired to apply it to a great conurbation, which geographical, sociological and economic factors demonstrate to possess a general community of interest. On the other hand, a single-tier authority must be of manageable size. Even if the area is comparatively restricted, as it will be in the case of densely populated cities, there is a limit to the population whose needs can be supplied. It must be remembered that *ex hypothesi* the county borough type of authority must be responsible for providing every kind of local government service for its population, and that if that population is expanded beyond a certain numerical limit, the machine, it may be argued, will break down from the magnitude of the tasks it has to perform; even if it does not, the amount of delegation to committees and sub-delegation to sub-committees and so on progressively, will in fact prove a negation of the original advantages of a single-tier authority. It is naturally not easy to define when this limit of population is reached, but it may be permissible to recall the evidence of Sir Robert Fox, on behalf of the Association of Municipal Corporations, to the Royal Commission on Local Government. Speaking as a representative of the county

borough, and with great experience of the administration of Leeds, he considered that a million was about the maximum population for the county borough type of local authority in which all local government functions were concentrated in the hands of a single council.<sup>1</sup> It follows, therefore, that applying the county borough principle to conurbations may involve the partition of a continuous urban area. Thus, in his Minority Report to the Report of the Royal Commission on Local Government in the Tyneside Area, Mr. Charles Roberts pointed out that the Majority Report's proposal for a regional area comprising the whole of the Tyneside conurbation and the County of Northumberland involved the grouping of areas between which there was a lack of real community, and would involve a territory of too great a magnitude for efficient administration. Further, that it would be a task of considerable difficulty to form, inside the region, the new borough of Newcastle-on-Tyneside, comprising four county boroughs, two non-county boroughs, five urban districts and parts of three other urban districts. Yet when all these independent units had been merged, the resultant authority would have less power than an existing non-county borough, since so many powers would go to the Regional Council. Mr. Roberts inferred that 'from an examination of local conditions on Tyneside, it would seem that the right method of approach in areas of "conurbation" is to inquire whether it is feasible and desirable to combine separate units into a county borough of adequate size'.<sup>2</sup> He went on to suggest methods for securing wider areas for certain services requiring them, but what is significant in connection with the county borough question, is that whilst he advocated a united municipality for Tyneside, it was a different one from that advocated by the Majority Report. It was smaller in area and population, but wider in powers. It would comprise the two County Boroughs of Newcastle and Gateshead (but excluding Tynemouth and South Shields), two non-county boroughs and four urban districts. The total population would be 580,990 living in 32,866 acres. The object was to give all the advantages of county borough government, but in a unit that would be of manage-

<sup>1</sup> Royal Commission on Local Government: Minutes of Evidence, III, Q. 7544. Sir David Brooks of Birmingham considered that the then area of Birmingham (70 square miles) was near the maximum, though he considered that the county borough system could still work if the population within that area were to increase from one million to, say, two millions. (*Ibid.*, IV, Q. 147,64.)

<sup>2</sup> Royal Commission on Local Government in the Tyneside Area (Cmd. 5402), p. 89.

able size, comparable in area, indeed, with Birmingham or Liverpool.

A very striking tribute to the virtues of the county borough type of government was contained in the Hiley-Talbot Minority Report to the Report of the Royal Commission (Ullswater) on London Government. The Minority Report started from the adoption of certain basic principles: (i) that 'subject to necessary limitations of size, one continuous homogeneous urban area is best administered as one; unnecessary multiplication of administrative councils, offices and officials is avoided; uniformity of policy on questions which are the same over the whole area is obtained; and they are dealt with by one council and set of officials, representing and responsible for the whole, instead of being the subject of negotiation and occasionally of litigation between independent authorities'. (ii) 'The burden of administering the whole is equally distributed over the whole, so that all whose local interests are, broadly speaking, the same, contribute equally according to their capacity to the common expenditure'. Further, with regard to the area to be covered by the single all-purpose authority described, it is expressly laid down that 'when the places adjoining a borough form with it in truth, one town, closely continuous in fact, having grown up substantially from the same causes and round the same centre, then that which is one town in fact should be one town in law'.<sup>1</sup> Yet when it is proposed to apply this solution to London, the Hiley-Talbot Report has to admit that the size of the conurbation prevents its being administered by one single authority. Rather than have a double-tier system for the whole of London, the Hiley-Talbot proposal was to retain the advantages of the county borough system by splitting London into several county boroughs; the size of these would be determined by the two requirements that they should not be too large to be conveniently administered, and that regard should be had to history and the civic tradition of local administration.<sup>2</sup> Further, a few services would have to be administered for the whole of London, and a central body or bodies could be set up to administer these. The special point of interest in this proposal is that the advantages of the single-tier authority were esteemed so highly, that it was considered desirable to obtain them, even at the expense of splitting up what is generally considered to be a single urban community.

<sup>1</sup> Royal Commission on London Government (Cmd. 1830), p. 137.

<sup>2</sup> *Ibid.*, p. 139.

A further and perhaps more fundamental obstacle to the realization of the single all-purpose authority as the universal basis of local government is the difficulty of applying it to the rural or sparsely populated areas. Thus one can be convinced of the ideal quality of the county borough as an all-purpose authority, whilst recognizing that it may not be possible to apply it in its present urban form to the country as a whole. 'The county borough is far and away the most efficient with its officials under it responsible for everything within its boundaries. I don't say that it is going to be the solution for the whole country, but it prevents overlapping, and directs attention to duties which have to be performed, and, if there is a complaint, you know where to make it . . . The county borough which has the powers of a local council was the best form of council, but I agreed that it could not be applied generally.'<sup>1</sup> Hence proposals have been made for introducing a system of 'single all-purpose authorities', but of which not all should be county boroughs as they exist at present. One way of doing this would be — rather as in the *Development of Local Government* proposals of Dr. Robson — to increase the number of county boroughs and to make the county councils all-purpose authorities for the rest of the country. A scheme of this kind has been suggested by the West Midland Group on Post-War Planning and Reconstruction.<sup>2</sup> The proposal starts from the fundamental principle that there should be one unit of local government entrusted with all functions, and that its size should represent a compromise between the requirements of efficiency and of local interest. 'It is maintained that the ideal size of a local government unit should represent a balance between the claims of administrative efficiency and free democratic government. The pattern of settlement in England and Wales varies from the great urban concentrations to the rural counties with their comparatively small market towns. From this it follows that schemes of reorganization and reform of local government units cannot reasonably be based on uniformity of area or population. Nevertheless, it is desirable that a uniform system of local government should obtain throughout the whole country.'<sup>3</sup> The details of the scheme provide that all towns over 70,000 population should be all-purpose authorities; certain towns under 70,000

<sup>1</sup> Mr. Clement Davies, H. of C. Official Report, Fifth Series, Vol. 408, cols. 449-51.

<sup>2</sup> *Note on Size and Functions of Local Government Units* (1944).

<sup>3</sup> *Op. cit.*, p. 19.



might qualify for the status under special conditions. For the rest of the country, the county councils would be the all-purpose authorities. Large urban concentrations would be rearranged to form a suitable number of units, each of which would be administered by its own all-purpose authority. Smaller urban concentrations now administered by several contiguous authorities whose population would add up to 70,000, should be combined under a single all-purpose authority. Small elected councils, with the object of promoting and fostering 'civic consciousness' should be set up in the boroughs and urban districts which would be absorbed by the new all-purpose authorities, and similar organizations could be set up in the rural parishes and the 'neighbourhood units' of towns. For certain purposes, especially planning, standing joint boards would have to be constituted, but these should as far as possible be limited to advisory functions only. 'The establishment of joint boards with a power to precept, remote from democratic control, is objectionable and should be avoided where possible.' From the foregoing it would seem that the all-purpose authorities would be either urban or rural in character, and that all the towns, except the smaller ones, would be cut out of the county to form separate all-purpose units. A rider to the scheme, however, states that 'to provide rural amenities for the urban population, suitable areas of rural land should be included within the boundaries of all-purpose authorities'. In a similar report on 'Administrative and Financial Problems of Town Planning' (1944) the West Midland Group also stress the need for a 'balanced' town-planning area including town and country. The exact delimitation then of the areas envisaged seems rather uncertain, but does seem however to advocate not only the general application of the county-borough principle (i.e. all-purpose authorities) but also an expansion of the number of urban areas enjoying county borough status at the expense of the counties.

#### *D. All-purpose Authorities*

The next stage in the development of the idea of the all-purpose authority would be a scheme by which the county borough principle was applied to the country as a whole, instead of the half-way measure of extending the number of county boroughs and then giving the counties county borough powers. The mention of the blending of town and country in the West Midland Group proposals

is evidence of a trend towards this objective. -On the other hand, as long as the premises of a scheme make a distinction between town and country, the process is not yet complete, and the evolution from the county-county borough structure to one of an entirely new kind of units has not been fully attained. Such a stage along the process of the development of the county borough idea is represented by the Report of the Reconstruction Committee of the National Association of Local Government Officers.<sup>1</sup> The N.A.L.G.O. plan stresses that all-purpose authorities should be set up throughout the country, but adds in a rider that 'there should be no amalgamation of population units whose interests are conflicting and incompatible — e.g. rural and urban — though this principle should not prevent the inclusion in any urban area of a rural area where there exists a sufficient community of interest between the two areas, nor should it prevent the inclusion within a rural area of an urban community such as that of a country town which is naturally linked with the surrounding rural community by factors of trade, interest, or tradition'.<sup>2</sup> The principle from which the proposals start is the 'conviction that the most suitable unit for the administration of local government is that type of authority represented today by the autonomous county borough . . . In the light of this conviction, we recommend that the ultimate objective of local government reform should be the division of the whole of England and Wales into a number of directly elected local authorities, each adequate in area, population and financial resources, and possessed of the necessary powers, to administer efficiently all local government services within its area, and with the right of direct access to all government departments'.<sup>3</sup> The average population envisaged for these units would be about 250,000, but to allow for differences between densely and sparsely populated areas, variations between 100,000 and 500,000 are considered advisable.<sup>4</sup> Proposals are also made for dealing with the areas of all-purpose authorities which are too widespread to be administered directly by the all-purpose authority. In order to provide some kind of minor authorities, various suggestions were considered; it was decided that to extend the small boroughs to include large surrounding tracts of rural terri-

<sup>1</sup> Report of the N.A.L.G.O. Reconstruction Committee on the Reform of Local Government Structure, published in *Local Government Service*, February 1943 (No. 14, Vol. XXII), pp. 287-94.

<sup>2</sup> Loc. cit., para. 57.

<sup>3</sup> Paras. 52-3, op. cit.

<sup>4</sup> Loc. cit., paras. 54-5.

tory would involve a 'marriage' between urban and rural elements whose interests were incompatible; administration by district committees of all-purpose authorities was rejected because many of the smaller areas would return only one or two members to the all-purpose authority council. The solution adopted was that the various non-county boroughs, urban districts and rural districts should be regrouped, that any unit which, based on an existing non-county borough or urban district, had after regrouping a population of 20,000 should remain or become a borough, and that the other units, when regrouped, should be constituted as districts. Both boroughs and districts would have directly elected councils, to which should be delegated certain functions by the all-purpose authority. The difference between the boroughs (over 20,000 population after regrouping) and the districts (below 20,000 population after regrouping) would lie in the extent of the discretion allowed them. Boroughs would be entitled to levy a rate to supplement that of the all-purpose authority, and to employ their own staff. District councils would be, on the other hand, purely delegates of the all-purpose authority, and completely subordinate to it in all respects; their staff would be the employees of the all-purpose authority. Members of the all-purpose authority for the borough or district would be *ex officio* members of the local councils.<sup>1</sup>

The all-purpose authorities would be combined by law into 'Provincial Councils', indirectly elected from their members, with the function of joint planning and advice on certain functions requiring a wide area of administration — town and country planning, general and specialist hospitals, major highway developments, provision for specialist and technical education, main drainage and sewage disposal, provincial library provision, the development and co-ordination of public utility services. The powers of the provincial authority would not be executive but would be to 'consider the needs of its area in regard to the services enumerated' above, to determine the nature of the provision to be made, and to select the appropriate all-purpose authority or authorities which should make that provision'.<sup>2</sup> The delimitation of all the areas involved and the grouping of authorities could be entrusted to a Boundary Commission (similar in constitution and purpose to that actually established in 1945).<sup>3</sup> It will be seen that in its separation of town and country, and in its

<sup>1</sup> Loc. cit., paras. 69-81.

<sup>2</sup> Ibid., para. 64.

<sup>3</sup> Ibid., paras. 56-8.

provision of authorities both above and below the all-purpose authorities, the N.A.L.G.O. scheme does not take the county borough ideal to the absolute limit of its logical development. This may be ascribed to a recognition of the differences of conditions in various parts of the country which make it impracticable to establish the county borough, pure and simple, everywhere but require, especially in rural areas, some sort of provision for a lower-tier authority.

But the concept of the county borough is taken to its logical conclusion in at least one scheme, that of the Association of Municipal Corporations. The Special Committee of the Association reported that 'the most satisfactory form of local government authority is for most areas a single authority invested with complete powers of local government within its area. Local government services are, in many cases, interrelated and should not be separated, and we are convinced that it makes for the efficiency of local government and the proper development of an area and of its services if all functions of local government are in the hands of one authority representative of the electors and directly responsible to them'.<sup>1</sup> Accordingly the report recommends that the country should be divided up into a new set of all-purpose authority areas, without reference to any existing local authority areas. The size and population of these units is not defined, but it is twice emphasized in the report that the differentiation prevalent in the past between urban and rural areas should be avoided, and that the units should 'as a general principle comprise both rural and urban lands, containing a well-balanced grouping of all classes in the social scale, and in which there is a reasonable spread of industry, commerce, residence and agriculture'.<sup>2</sup> The scheme makes no specific provision for a range of 'provincial' authorities or joint bodies above the all-purpose authorities or for subordinate 'district' councils below them. It does say that special arrangements may prove necessary in the case of those parts of the country where there are small country towns with ancient charters, or large tracts of rural land or, on the other hand, large urban conurbations. It does not seem, however, that the scheme envisages all-purpose authority areas corresponding to the existing counties, which would require some kind of subordinate local authority within them. An

<sup>1</sup> 'Memorandum on Reorganization of Local Government', para. 11, published in *Municipal Review*, August 1942, p. 133.

<sup>2</sup> *Ibid.*, paras. 13, 15.

appended explanatory statement does say that the Committee had always 'contemplated that, in the majority of cases, the functions and areas of existing county councils would be severely reduced and possibly, in some instances, entirely abolished and a unit of government, other than the county council, would eventually become the all-purpose authority'.<sup>1</sup> It is perhaps permissible to infer that the sort of area which such an all-purpose authority might cover would be intermediate between that of a county district and a county. It would need to be larger than a county district in order to provide an adequate area for the administration of the county functions, but would need to be smaller than the county area so as to provide the possibility of eliminating the need for smaller units inside it, to give local interests adequate representation. As regards the grouping of all-purpose authorities, the Report states that 'it is considered that *ad hoc* bodies for administration of particular services will be found generally to be unnecessary and superfluous to properly organized local government; such bodies and joint committees of local authorities are as a broad generalization an undemocratic form of organism to be avoided unless particular circumstances make it imperative'.<sup>2</sup> It will doubtless have been observed that all the proposals for putting into wider effect the idea of the county borough have — with the exception of the A.M.C. scheme — included provisions for some sort of joint body of all-purpose authorities. The Hiley-Talbot plan for London envisaged a central body to unite the county boroughs (into which London would be divided) for certain purposes affecting London as a whole. The Roberts Minority Report on the Tyneside, providing for a new County Borough of Greater Newcastle, advocated that the Minister should be given 'power to sanction, or frame, administrative schemes for linking up the new Local Authority with the adjacent Administrative County, or Counties, or any other County Boroughs, for the discharge of such regional services as require a field more extensive than a single authority can supply; it being understood that such schemes will arrange different areas and the representation of different services, as may in each case be required'.<sup>3</sup> Both the West Midland Group and the N.A.L.G.O. schemes provide for standing joint advisory bodies, though the

<sup>1</sup> Ibid., *Municipal Review*, August 1942, p. 134, para. 8.

<sup>2</sup> Loc. cit., p. 133, para. 19.

<sup>3</sup> Royal Commission on Local Government in Tyneside Area (Cmd. 6402), p. 89.

provincial authorities suggested by N.A.L.G.O. would be as far as possible compendious in their scope. Indeed, it might have been considered possible to treat some at least of these single-tier schemes for all-purpose authorities under the heading of proposals for an *ad hoc* system. The reason for this apparent combination of *ad hoc* and single-tier features is perhaps twofold. Firstly, the single-tier authority must be kept as small in area as possible, in order to make it feasible to dispense with subordinate local representative bodies. Therefore, it may be too small to satisfy the needs — for planning if not for provision — of certain services requiring a wide area, and to this end the all-purpose authorities must combine. Secondly, if there is a distinction kept up between town and country, and the county to county borough relationship in practice maintained, it may be found inevitable to try and bring together the urban centre and the surrounding rural territory. This has been one of the principal reasons for founding joint authorities in the past; in particular, institutions like hospitals or homes or asylums or higher schools need to be in the central town, but their 'consumers' may often in large proportion come from the county area outside. Hence, if duplication is to be avoided, joint arrangements are essential. It is therefore particularly significant that the A.M.C. scheme, which is of all perhaps the most definitely in favour of uniting town and country in a single unit, is the only one that feels able to reject the need for joint bodies to link up the all-purpose authorities.



## CHAPTER VIII

### PLANS FOR A NEW STRUCTURE: REGIONALISM

#### A. *Nature of Regional Schemes*

**A**GAINST the two principles of the *ad hoc* system and the all-purpose authority can be set the proposals which start from a recognition of the need for larger areas or 'regional' units of local government. The issue is complicated by the varying use of the word 'region'. 'It is a terminological misfortune that the word "region" is at present used to signify vastly different things. In relation to town-planning it means, usually though not always, something broadly similar to . . . a group of neighbouring towns and townlets with their rural hinterland';<sup>1</sup> on the other hand, the civil defence regions comprise each about a twelfth of the country. In this study, a 'regional' scheme is one looking to major local authorities, exercising 'compendious' functions over an area including both town and country, extending over a territory at least equivalent to that of a county. Such an attitude is in fact in opposition to the *ad hoc* approach, whose disadvantages it appreciates, because there is the possibility that if the regional area is large enough it will contain within itself scope sufficient for the operation of practically all local government services. 'If the regional solution were adopted . . . it would furnish an area large enough to include most of those services for which a large area has been found necessary; and with few exceptions (perhaps in some cases, with none at all) it would not be difficult to include all the services necessary for the authority within its own area. With a comparatively small sacrifice of technical efficiency, this could be done if we had regard to the mapping out of the present Road Traffic Areas and some of the Electricity areas. However, it is not necessary to pretend that it is possible in every case, or even in any case, to discover an area which will include all the services needed. Joint arrangements with bordering authorities may still be necessary, but there is this advantage over the present system and the system of special authorities, that since there will be fewer authorities to make these arrangements we can expect them to be made with less friction, more quickly, and when already made, to

<sup>1</sup>G. D. H. Cole, 'The Future of Local Government', *Political Quarterly*, 1941, p. 417.

offer the smallest number of contacts which may fall apart.<sup>1</sup> While this passage points to the antithesis between the regional and *ad hoc* standpoints there is a similar contrast, though perhaps less explicit, with regard to the advocacy of a single-tier system. Firstly, the fact that most — though not all — proponents of a regional system think in terms of about a dozen regional areas for England, shows that it would be difficult to have no directly elected local authority below the regional level and yet maintain the existing representative character of English local government. Even with forty or sixty regions, it would still be necessary, on this premise, to have some kind of second-rank elected authority, at any rate outside the densely-populated areas. Hence, a regional outlook generally involves the acceptance — even if not explicitly — of a system with at least two tiers. But, secondly, those who adopt the regional solution, sometimes while discarding perforce the county borough principle as of universal application, seek to draw positive advantage from the creation of a two-tier or multi-tier system, because it would allow each level of community to obtain a representative body. It will be observed when the schemes for regionalism in local government are examined, that some include provisions for instituting new local bodies even inside the county boroughs, in order to give every one of the recognizable local communities a corresponding local government organ. These two interlacing strands in the regional approach — the demand for a large ‘compendious’ area to avoid the need for a multiplicity of special authorities, and the recognition of the inevitability of a system with more than one tier — thus mark out the proposals now to be considered from those dealt with previously.

The word ‘regional’ has acquired so many overtones that it is perhaps desirable to pass in very brief review the background to the proposals for regional units of local government, even though it involves certain factors which are extraneous to local government itself. ‘Regionalism as usually understood’ observed the Royal Commission on the Distribution of the Industrial Population ‘involves primarily issues relating to the reform of local government in Great Britain.’<sup>2</sup> This is presumably to be understood as marking off the character of English regionalism from that of the United States or of France or of Germany. In the U.S.A., for example, the

<sup>1</sup> H. Finer, *English Local Government* (2nd edn., 1945), p. 170.

<sup>2</sup> Report (Cmd. 6153), 1940, p. 178, para. 371.

very immensity of the country makes inevitable the rise of a regionalist movement, thinking in terms of units, each of which will be larger than several states of the Union. The regional units can, if it be desired, be defined in terms of climatic or biological or land-use distinctions, which are not applicable to an island of the size of Great Britain. 'As a matter of reality America's regions, and even its sections, find their basis in the bigness and areal divergence of the Continent . . . To think of America is to think of bigness. Extending from ocean to ocean, from a North so cold that man has been unable to introduce profitable farming, to a South so hot that winter is almost unknown, with a variety so great that the wildest flights of imagination are likely to be true of some particular area, with expanses so level they remind of the sea, with mountains so high they seem to reach into heaven itself, with soil so fertile that there is little that cannot be grown, and soil so arid that life can scarcely subsist, with forests merging into grass lands, which in turn shrivel and die under a rainless sky, America presents pictures of untold variety, natural regions of infinite diversity.'<sup>1</sup> With the vast natural distinctions portrayed in this comprehensive sentence, and added to them the traditional differences of history and traditions, crystallized in the 'sections', classically described by Frederick Jackson Turner, the character of American regional thinking makes English regionalism seem 'local' in comparison — one might almost say parochial. In the traditions of the French regionalist movement, there likewise appear dominant elements unrelated to the demand for technically better units of local government. The traditions of the historic provinces, the desire to foster local culture and the urge to prevent the social and economic over-centralization in the capital have given French regionalism a distinctive character, and one that is reflected in the political affiliations of many of its adherents; as a result, the argument of centralization versus decentralization has been carried on with reference to various political and historic factors (e.g. the alignment of centralization with the republic, one and indivisible, and of decentralization with federalist tendencies or with the provinces of the *ancien régime*) that are not strictly relevant to problems of local government.<sup>2</sup> Regionalist proposals again in Germany have originated within the political framework of the country and have tended to be

<sup>1</sup> H. W. Odum and H. E. Moore, *American Regionalism* (New York), 1938, p. 53.

<sup>2</sup> For French regionalism see R. K. Gooch, *French Regionalism* (1931); R. H. Soltau in *Economica*, 1922, pp. 162-77.

concerned with a redivision of the country on the lines dictated by modern economic and administrative requirements, which would give a number of constituent units of approximately equal size. This would be to remedy the situation caused by the disparity of size between Prussia and the other *Länder* — a partnership likened by Lowell in a famous simile to that between a lion, two or three foxes, and a score of mice. Proposals have accordingly centred around the break-up of Prussia and the formation of perhaps a score of units — based on the Prussian provinces and the other *Länder* — and resembling some of the regional systems already adopted for defence, economic or administrative purposes.<sup>1</sup>

These factors are absent from Britain; there is not the problem of immense continental size as in America, nor of the conflict between ancient provinces and an artificial system of departments as in France. The German federation was one of disparate constituents, and plans for regionalism in that country involved the breaking up of the larger constituents — certainly Prussia and perhaps Bavaria as well — into several regions and the grouping of the smaller states into single regions, with a general recasting of boundaries to eradicate historic anomalies. In Britain a sort of regionalism was first brought into discussion by similar considerations; as soon as Irish Home Rule had stimulated a desire for 'Home Rule all round', it became evident that England (even more than Prussia) was too big to federate with Scotland, Wales and Ireland, and proposals were made to divide it into about half a dozen units for federation. But in more recent years, with the Irish Free State established as a separate Dominion, the nature of English regionalism has been concerned with an extension of the areas of local government, and not with the federation-states relationship so characteristic of regionalism in Germany. Yet while much of the academic thought on regionalist lines in Great Britain has dealt with the problem from the standpoint of local government, most of the practical experience in this field has been in what must strictly be regarded as deconcentrated central government.

### B. *Earlier Proposals for Regionalism*

Among the first contributions to the development of the regional idea in local government were the Fabian tracts of 1905 on 'The New

<sup>1</sup> See R. L. Dickinson, *The Provinces of Germany* (1945), pp. 1-29; A. Brecht (New York, 1945), *Federalism and Regionalism in Germany*.

Heptarchy'. For instance, No. 125 on 'Municipalization by Provinces' stressed not only the need for larger areas for such services as transport, water and electricity supply, but made the point that the large towns should not be administratively isolated but regarded as the centres of wide areas, which they could furnish with public services. 'In regard to such services as transport, electricity and water supply, it will be necessary, in endeavouring to devise new authorities and new areas for their administration, to drop the idea that they should remain municipal services in the narrowest sense of the term municipal. They should not become even county, but provincial services . . . But whether seven or more provincial water boards, and seven or more transit and electricity boards are formed is immaterial, provided the provincial principle is applied to those areas where narrow municipal boundaries are cramping the growth of the collective control of industry.'<sup>1</sup> The scheme envisaged provincial boards, one for each function, elected by the constituent local authorities of the province.

The idea of 'Home Rule all round' has already been mentioned but the regional idea was again brought into prominence at the end of the first World War, and it was linked with the idea of devolution of power from the central authority.<sup>2</sup> For instance Professor C. B. Fawcett's scheme, *The Provinces of England* (1919), was sub-titled 'A Study of Some Geographical Aspects of Devolution', and the provinces that it defined were intended to serve as units both for a devolution of central authority and for a concentration of local government. As Professor Fawcett explained, contemporary plans for 'Home Rule all round', setting up a federal structure for England, Scotland, Ireland and Wales, could best be put into effect by dividing England into provinces, since otherwise a disequilibrium would be created in the federation due to a preponderance of England, similar to that of Prussia in the Reich. At the same time, the opportunity could be taken of creating local parliaments to relieve the British Parliament which 'is, and has long been, so overburdened by its manifold duties that its business is hopelessly congested, and many of its Acts receive very insufficient consideration'.<sup>3</sup> The devolution of certain functions — especially the control of local government — to the provincial parliaments could be combined with the reorganization

<sup>1</sup> Op. cit., p. 8.

<sup>2</sup> See Speaker's Conference on Devolution. (P.P. 1920, XIII.)

<sup>3</sup> Op. cit., p. 22.

of local government itself over the same larger areas, and it was suggested that the new provincial parliaments 'should at once take over all the "county" powers of local government, i.e. they would directly supersede and absorb the county councils'. Since the provincial authorities would have power over the county boroughs as well, 'the establishment of the provinces would do something to reverse the disastrous separation of town and country in local government which has grown up in this country'.<sup>1</sup> Taking Wales, Scotland and Ireland as separate provinces, England would be divided into twelve provinces, with areas ranging from 6390 square miles in the London Province to 900 square miles in 'Peakdon' (Sheffield-Derby) and in population from 10,097,323 in London and 6,286,459 in Lancashire to 1,016,998 in 'Devon' (Devon and Cornwall).<sup>2</sup>

Prof. G. D. H. Cole's *The Future of Local Government* (1921) also proposed a regional division of England, but did not combine with it a devolution of central legislative powers to provincial parliaments, the case being argued on the grounds of local government reform only. England would be divided into nine regions — based mainly on the grouping of counties — ranging in population from 9,600,000 in the Metropolitan Region to 1,900,000 in the Wessex Region.<sup>3</sup> Each region would have its directly elected council, concerned with planning (in its widest sense), the co-ordination and, if necessary, provision of public utility services, and the provision of institutions for services like technical education which require a very wide area to produce an adequate number of consumers. Inside the region, the county councils would eventually disappear, and a parallel system of boroughs for the urban, and county districts for other, areas would be evolved; beneath these units, there would be wards and parishes as local units for fostering civic feeling, making representations to the higher authorities and perhaps administering certain decentralized services. As a final example of this trend in the advocacy of regional units may be quoted the significant case of the essay which won the Haldane Prize in 1929, awarded by the Institute of Public Administration to E. Ashby. The essay shows that there had been a constant trend towards larger areas of administration, exemplified in the general tendency to rationalize on the basis of fewer units, the constitution of larger areas for various services, and the develop-

<sup>1</sup> *The Provinces of England*, p. 27.

<sup>2</sup> *Ibid.*, p. 267. Figures are for the 1911 Census.

<sup>3</sup> *Op. cit.*, pp. 70, 71.



ment of joint arrangements between local authorities. The full development of the process would not be achieved until there had been established a series of large compendious regional authorities elected indirectly by the members of the councils for smaller districts within the units. The regional councils would be responsible for the administration of the main services, which they would manage by means of small executive committees, enjoying wide administrative discretion. The local councils would act as 'representation-making' bodies and could also act as the delegates for the Regional Council in the administration of any function it was thought desirable to decentralize. The advantages that would arise from the adoption of such a scheme were held to include the spreading of the incidence of charge on a wider basis and the bringing together of urban and rural areas under a single authority, thus 'providing the machinery for the replanning of towns and countryside, the dispersal of industry, the renovation of agriculture and the co-ordinated development of such utility services as electricity supply and passenger transport'.<sup>1</sup>

### *C. Government Activity in the Regional Field*

Governmental action in relation to regionalism during this period had not impinged nearly so directly upon the field of local government itself. It had taken three forms: (i) the division of the country on regional lines by particular departments of state for their specific purposes, (ii) the provision of arrangements for deconcentration of all home government functions to a regional level, and (iii) projects in official reports for reorganizing the local government of certain individual areas on a regional basis.

(i) Without referring to the traditional subdivisions of the church or the judicial circuits or Cromwell's 'major-generals', one may perhaps find the prototype of the modern administrative regional division of a central department in the system adopted by the Poor Law Commissioners, who were in this, as in so many other matters, the pioneers of the modern method in governmental management, especially with regard to the relationship of the central to the local authority. The original Assistant Commissioners, who marked out and established the poor law unions were turned into a body of inspectors. Thus in 1842 there were already twelve Inspectors' Districts, which did not all follow the county boundaries.<sup>2</sup>

<sup>1</sup> *Journal of Public Administration* (1929), pp. 365 sqq.

<sup>2</sup> Seventh Annual Report of Poor Law Commissioners. Appendix, pp. 274-5.

There was a noticeable multiplication of administrative regions during the 1914-18 War, for instance for the Food Commissioners, National Service Divisions, Coal Control, Cattle Commissioners, and so on. Thus in September 1918, the Ministries of National Service, Labour and Munitions agreed upon and adopted for their respective purposes a uniform division of England into seven regions, Wales and Monmouth making an eighth and Scotland a ninth respectively.<sup>1</sup> The process continued between the two world wars, and the system of regional divisions has been classified according to whether they were intended for statistical purposes (Registrar-General, Census of Production, Licensing Statistics, Agricultural Statistics) or for more strictly administrative functions (Ministry of Labour's Employment Exchange Divisions, Post Office Regions, Agricultural Advisory Provinces, Unemployment Assistance Board areas).<sup>2</sup> Some ministries employed several sets of local divisions. For instance, the Ministry of Agriculture made use of ten divisions for the recording and presentation of agricultural statistics, and thirteen quite different 'provinces' for the organization of the agricultural advisory service.<sup>3</sup> The Ministry of Labour used three subdivisions for its Industrial Relations Department, eight for the organization of Trade Boards and nine for its Services and Establishment Department.<sup>4</sup> With the second World War, there was a great increase in the number of regional organizations of departments. Some departments not previously using a decentralized organization adopted it on a regional basis, and there were new departments established, such as the Ministries of Food and Works, and the War Damage Commission, which had to work through a regional organization. On the other hand, there was a trend towards simplification in that the framework of the civil defence regions was generally adopted as the area basis for the new regional formations, and certain departments, with other methods of organization in use, changed over to the areas of the civil defence regions, and there was also a tendency to combine different sets of areas into one on the same basis. The Ministries of Health and Labour adopted the civil defence regions for their local

<sup>1</sup> C. B. Fawcett, *Provinces of England* (1919), pp. 34-5.

<sup>2</sup> For a detailed survey of the situation in 1939 see E. W. Gilbert, 'Practical Regionalism in England and Wales', *Geog. Journal*, Vol. XCIV, pp. 31-6.

<sup>3</sup> Before the reorganization under the Agriculture (Miscellaneous Provisions) Act of 1944.

<sup>4</sup> See Ministry of Labour Report for 1936 (pp. 94-6).

organization, as did the Ministry of War Transport, incidentally changing the 1930 Road Traffic Commission areas to those of Regional Transport Commissioners, corresponding to civil defence regions. An idea of the number of departments maintaining a regional organization in any one region is afforded by the list given in the Government White Paper on Administration in Wales and Monmouthshire, which shows that 'the following departments exercise all or most of their administrative functions in Wales through such an organization'.

Board of Trade.  
Labour and National Service.  
Health.  
Fuel and Power.  
Agriculture.  
Supply.  
Admiralty (Merchant Shipping and Repairs).

Food.  
Town and Country Planning.  
National Insurance.  
Post Office.  
Pensions.  
War Damage Commission.

There was also a Welsh Inspectorate of the Ministry of Education stationed at Cardiff, and there were twenty-eight area offices of the Assistance Board in Wales.<sup>1</sup>

The development of regional organizations may be viewed from another aspect, that of the staffs and expenditure involved, and the situation in 1945 (for regional offices created since 1939) was:

<i>Department</i>	<i>No. of Staff in Regional Organization</i>	<i>Cost (Salaries, Wages, etc.) £</i>
Admiralty	121	57,900
Ministry of Aircraft Production	620	261,000
Ministry of Fuel and Power:		
(a) Regional Organization	3,600	1,190,000
(b) Open-cast Coal Directorate	1,334	585,600
Ministry of Food	3,171	1,076,000
Ministry of Health	1,530	721,800
Ministry of Home Security	1,875	797,000
Ministry of Information	990	206,000
Ministry of Production	704	300,000
Ministry of Supply	636	194,600
Ministry of Town and Country Planning	169	74,280
Board of Trade	471	186,500
War Damage Commission	2,427	941,200
Ministry of War Transport:		
(a) Regional Port Directorate and Shipping Representative	426	137,000
(b) Road Haulage Organization	1,140	350,000

<sup>1</sup> Wales and Monmouthshire: a Summary of Government Action, August 1st, 1945-July 31st, 1946 (Cmd. 6938), para. 2.

This list, of course, excludes the regional organizations already formed in 1939.<sup>1</sup>

(ii) As long as the process of regional organization was purely on departmental lines, each ministry making its own arrangements to suit its own requirements, it was unlikely to impinge on local government problems. The extension of the process, however, on to an interdepartmental level, and the creation of regional officers charged with a general competence relating to all central government services within the region, might be expected to have certain repercussions on the trends of thinking about local government structure. The Regional Commissioners of 1939 were not in fact the first examples of this tendency in recent years. In 1925 the Government feared a general strike that would produce a 'state of emergency', resulting in the cutting of communications between London and the main centres of population, and a breakdown of essential food and public utility services. The following was the scheme adopted: 'First of all the Postmaster-General was appointed Chief Civil Commissioner. The country was divided into eleven divisions, in each of which there was a Civil Commissioner, and these Commissioners were junior members of the Government. In addition to these gentlemen, each of whom represented the Government officially, and who, if communications had been completely cut, would have represented the Government officially and actually in his own immediate district, each of them had a staff of officers connected with him, who were conversant with the particular matters of business such as finance, food, coal, railway transport, liaison officer, and so forth.'<sup>2</sup> The Commissioners were functioning apparently for some days in 1926,<sup>3</sup> and the situation which it was expected they would have to handle was *mutatis mutandis* comparable to that causing the appointment of the Regional Commissioners in 1939. In each case there was the ultimate possibility that regional centres would have to function independently of London, and that each must have its own potential Government. The Regional Commissioners doubled this role with that of regional representative of one particular department — the

<sup>1</sup> H. of C. Official Report, Fifth Series, Vol. 410, c. 2283.

<sup>2</sup> Sir W. Joynson-Hicks (Home Secretary) in H. of C. Official Report, Fifth Series, Vol. 1927, c. 2176 — July 7th, 1926.

<sup>3</sup> For the experiences of Lord Onslow as Civil Commissioner for the South-Western Region at Bristol, see his autobiography, *Sixty-Three Years* (1939), p. 177. His staff consisted of his private secretary and a Poor Law Inspector, with power to add as required.

Ministry of Home Security — and it was indeed their civil defence functions that seemed most prominent. The duality of their task was early made plain by the official statement that the Regional Commissioners 'have a general responsibility for ensuring that the civil defence plans of Government departments and local authorities are properly co-ordinated. If communications should break down, regional commissioners would, in consultation with the regional representatives of Government departments, exercise the powers vested in the Government'.<sup>1</sup> With regard to the civil defence side of his functions, the Regional Commissioner's powers were very wide, including not only the direction of a local authority in the discharge of its civil defence work, but also the right to take it away from a local authority and assign it to another authority or person; he also possessed power to make regulations for the security of his region imposing them in such matters as curfews, entrance restrictions, immobilization of unlicensed vehicles, closing of roads to civil traffic, and he could and did delegate these powers to other authorities (e.g. chief constables).<sup>2</sup> But even more significant in the present context is the manner in which Regional Commissioners developed the role of interdepartmental co-ordination at the regional level, even though the emergency in which they were intended to take over the executive direction never arose, and this relationship to departments and activities outside civil defence was therefore, strictly speaking, only advisory. Yet that they did exercise this function of co-ordination was observed and has been regarded as a valuable contribution to the solution of the problem of the integration of the different government services with one another, and with the local authorities.<sup>3</sup> The Regional Commissioner afforded a nucleus around which could evolve a parallel regional decentralization of authority, by different departments, with consequent liaison between them. 'To facilitate the administration of its civil defence service, the Ministry (of Health), like other Departments with similar responsibilities, introduced at the outbreak of war a measure of decentralization by the creation of a regional organization. This was based on the civil

<sup>1</sup> Sir John Anderson (Home Secretary), Official Report, Fifth Series, Vol. 355, c. 1058 — December 12th, 1939.

<sup>2</sup> Cf. 'Functions of the Regional Commissioners' by A. G. Bottomley in *Municipal Journal*, February 6th, 1942, p. 171.

<sup>3</sup> See 'Regional Administration' by P. Asterley Jones in *Political Quarterly*, 1944, p. 195.

defence region and linked with the offices of the Regional Commissioners. Each of the Ministry's Regional Headquarters was in effect a miniature Ministry of Health, complete with medical and technical staff, under the control of a Senior Regional Officer, to whom substantial responsibility for both peace and war-time activities have been entrusted. Close liaison has throughout existed with the Regional Commissioners to whom . . . the Minister has delegated executive responsibility for certain civil defence services. In addition, the Senior Regional Officer has instructions to keep the Commissioner informed of the general activities of the Department within the region. Should communications with Whitehall break down, the Commissioner would assume a general responsibility for all the Ministry's services in the region.<sup>1</sup> This involves the whole question of integrating the activities of a series of different organizations. It has been held that if the attempt is made to get co-ordination at the top between departments whose individual hierarchies work separately, then the point of contact is too far removed from the scene at which the actual work is done, and also that the volume of the activities of the different organizations at a national level is too great for effective co-ordination. But it may be argued that at the regional level there is a place for inter-service co-ordination, because this point is nearer to the actual process of administration, and also the total volume of activity involved is more likely to be manageable by one man. It was this principle which — to take an example from inside a single department — was partly responsible for the regionalization of the Post Office, recommended by the 1932 Bridgeman Committee; the committee found too great a separation between the administrative function of policy-making and the executive process of day-to-day working, and also an isolation of the technical from the administrative branches, and of the financial control from both. This integration of the administration of the technical sides, of the postal, the telephone and the telegraph services, and the bringing to bear of the instruments of financial control and audit, was brought about at the regional level in the seven Postal Regions, by putting the departmental chiefs together on a Regional Board; within the telephone service, where there had been a dichotomy between the 'sales and service' and the 'engineering' sides, the analogous process was carried out at a lower level still by the creation of forty-six telephone

<sup>1</sup> Summary Report of the Ministry of Health (Cmd. 6340), p. 19.



areas, whose managers were made responsible for engineering, service, sales and accounts.<sup>1</sup> This idea that a regional level is the best at which to secure integration of different national services has inspired plans such as that of Sir Edward Tandy for the creation of 'Regional Commissioners of Public Welfare'. These would be a survival of the Regional Commissioners, but with advisory powers only, having a 'roving commission', not limited by subordination to any one ministry, with the object of promoting 'intergrouping' between services and authorities, especially by means of personal contact, and circumventing the congestion that ensues from the conduct of public business entirely by correspondence. The complex of relationships between a dozen ministries and 145 major local authorities could be reduced by having an advisory commissioner in each region, with the opportunity of cutting the tangles and gathering up the loose ends. The adoption of the regional level as the point where co-ordination should be applied would also make possible the bringing together not only of departments but also of local authorities on matters of common concern.<sup>2</sup>

The first two regional activities of government — on the departmental and on the interdepartmental levels — have no direct concern with local government. The nature of the Civil Commissioners and Regional Commissioners schemes was always that of a deconcentration of the central authority, not a replacement of the local authority. The process of departmental, and even of interdepartmental, concentration may continue, but, although in general local authority reactions have not been friendly, the process does not in itself affect the structure of the local government areas. But, indirectly, it has caused considerable 'interest and apprehension'<sup>3</sup> in local government circles. The operation of a regional system is regarded as an instructive precedent by those desirous of advocating areas of a regional character for local government itself: 'People have become suddenly aware of the need for regional government. They have become region-minded in what would have seemed, had it not been for the war, an incredibly short space of time . . . In considering the future, the wise course is surely to take into account the status and goodwill

<sup>1</sup> See 'Post Office Regionalism' by D. J. Lidbury in *Post Office Green Paper* No. 34 (May 1937).

<sup>2</sup> Brig. Sir Edward Tandy in *Journal of Royal Society of Arts*, 1940, p. 368. Cf. also *Regional Government* (Fabian Research Series, No. 63), p. 22.

<sup>3</sup> White Paper on Local Government Reconstruction (Cmd. 6579), p. 4.

which the Regional Commissioners have been building up in the public mind, and to take advantage of the impetus which this war-time expedient has given to the regional idea'.<sup>1</sup> On the other hand, the fact that the Regional Commissioner system is one that runs so definitely counter to the democratic tradition of English local government has assisted those who oppose any form of regionalism to discredit it; even the positive achievements of the Regional Commissioners can be shown to be irrelevant to the problem of reforming local government by a demonstration of the essential difference between a larger local authority and a deconcentrated central authority, which the Commissioners in fact were. Thus, on balance, it does not seem over-clear whether the experience of war-time regionalism will have ultimately advanced or retarded the cause of a regional system of local government; at any rate, the passing of the Regional Commissioners was unremarked and apparently, in general, unregretted.

(iii) When official reports have recommended the adoption of a regional solution to the problems that are specifically concerned with local government, the recommendations have not been implemented by subsequent governmental action. Further, such solutions have been made as a result of the investigation of a specific area only, and were not therefore directed to a general application. Thirdly, such proposals have generally been made for areas of a concentrated industrial population, and especially under the impact of economic distress. The regions in question are South Wales and the industrial North East. In 1921, the South Wales Regional Survey Committee were asked to report on practical problems of planning and industrial location in South Wales.

The replanning of the area and in particular the construction of new dormitory towns was complicated by 'the multiplicity of independent local authorities in a Region that geographically and industrially is a unit and needs to be planned and administered as such'. Further, there was the technical problem of the disparity in rateable value that might be caused by the transference of housing accommodation providing a hindrance to the carrying out of projects which were otherwise desirable from the point of view of suitability of site or other factors. The problem could be handled without touching local government by bringing in the Government for such specific tasks as the construction of the first new dormitory towns, and also by the

<sup>1</sup> *Regional Government* (Fabian Research Series, No. 63), p. 14.

constitution of a regional town-planning board. But the essential 'geographical and industrial unity' of the area suggested a common local government authority which could then be responsible for all the major tasks of planning, and, by embracing the whole area, neutralize the disparity in rateable value caused by the redistribution of population within the region. The Committee suggested a system of the L.C.C. type with a major authority administering the principal services, and a number of local councils — based on the existing boroughs and districts with a regrouping of areas — subordinate to the regional council. This dual system would allow the combination of a wide area of administration for major services with the retention of local councils so as not 'to diminish the civic consciousness of the local inhabitants'. The suggested allocation of functions was:

**Regional Council:** Town planning, housing, education, traffic control, poor relief, hospitals, main drainage, bulk water supply, construction and improvement of main roads and bridges, police.

**Local Councils:** Delegated administration of major services and direct responsibility for construction and maintenance of local roads, street cleaning and lighting, removal and disposal of house refuse, local drainage, baths and wash-houses, libraries, food and drugs acts, sanitary inspection, local recreation grounds, markets, etc.<sup>1</sup>

The Commissioners for the Special Areas were responsible for interesting developments in regional thinking about local government. Firstly, the method of operation adopted in the conception of a Special Area necessarily involved the idea of treating an industrial and social unit as an administrative unit. Thus in the 1937 Report, the Commissioner drew special attention to the fact that the Special Areas had provided the opportunity for experiments in regional administration. There were the District Commissioners themselves, and the regional bodies formed under their care — the two Trading Estates, the North East Housing Association, the Welsh Land Settlement Association, the Durham Improvement Association, the West Cumberland Industrial Development Company. If effective

<sup>1</sup> South Wales Regional Survey Committee (1921), pp. 69-70.

help were to be brought to the Special Areas, then capital expenditure for public works purposes must be planned on a regional basis.<sup>1</sup>

Secondly, two important Royal Commission reports on local government — that on Local Government in the Tyneside Area and that on Merthyr Tydfil, were both the direct result of the observation of conditions in the Special Areas. In his Report as a Commissioner to investigate conditions in the County of Durham and Tyneside, Captain Euan Wallace was struck by the multiplicity of local authorities within an area that, from an industrial point of view, was a unity, and which might be regarded as making local administration unnecessarily complicated and expensive — the latter a considerable defect in a 'depressed' area. 'That there is at any rate a strong *prima facie* case for some measure of unification of the local authorities on the Tyneside appears to be undeniable; and it is equally clear that the prospects of voluntary amalgamation are so remote as to be outside the realm of practical politics', and a Royal Commission was suggested.<sup>2</sup> The reasons for amalgamation were, it was contended: (1) that 'the interests and the problems of the area, apart from its physical unity, are in many respects so homogeneous that the present system must constitute a serious obstacle to the execution of major projects which would benefit all concerned'.<sup>3</sup> (2) The segregation of poor and rich in separate local government units and the consequent disparity between financial resources measured in rateable value on the one hand, and the need for expenditure in the form of public assistance and social services on the other.<sup>4</sup>

(3) Town planning would be facilitated by a common authority, as would the reorganization of the ownership of dock and harbour facilities; finally, by the division of the area into so many units, 'the real size and importance of the area as a market is artificially obscured; from the point of view of establishing a new business there is all the difference in the world between the aspect of Newcastle as a County

<sup>1</sup> Report of Commissioner for the Special Areas, 1937-38 (Cmd. 5595), paras. 26, 33-4.

<sup>2</sup> Reports of Investigations into the Industrial Conditions in certain Depressed Areas (1934), Cmd. 4728, p. 89.

<sup>3</sup> Loc. cit., p. 87, para. 42. Examples cited were the difficulty Newcastle had in extending its tramway system into Wallsend, and in getting the Coast Road through that borough; the creation of unnecessary sewage works by Gosforth and Longbenton to avoid draining into Newcastle, and the arrangements simultaneously being made by Newcastle and Tynemouth for the provision of municipal aerodromes.

<sup>4</sup> Ibid., para. 43.

Borough with a population of 283,000, and of Tyneside as a whole with 816,000 inhabitants'.<sup>1</sup>

The Royal Commission found in the Tyneside perhaps the classic exposition of the case for what may perhaps be termed 'conurbation regionalism' — that a continuous urban area, which forms one industrial, economic and, to some extent, social community, should be given a corresponding administrative unity. 'In an area not much larger than the City of Birmingham, there are no less than sixteen local authorities for the administration of all or some of the local government services. As a result of this, it is found that there are six different authorities responsible for services such as public assistance, police, higher education, care of persons suffering from mental diseases, tuberculosis and venereal diseases, and the maintenance, repair and improvement of classified roads; ten different authorities are responsible for elementary education; nine out of sixteen authorities maintain fire brigades; and there are eleven separate hospitals throughout the area for the treatment of persons suffering from infectious diseases, and eight hospitals exist to deal with smallpox cases. This extraordinary multiplicity of authorities is not due to any desire of some body or persons to create a complicated system of local government in this part of the country. While the areas of local government have remained substantially unaltered, confusion has arisen owing to the development of the several districts, which in many cases are now contiguous, combined with the subsequent devolution by Parliament to local authorities of powers in connection with additional or reallocated services.'<sup>2</sup> Two points are involved, the unnecessary duplication of services by contiguous authorities, and the argument that the individual authorities were not, in fact, self-contained and diversified communities, and therefore could not be regarded as suitable for the status of independent units. With regard to the latter point, the 1934 Report of Captain Euan Wallace said of the local authorities on Tyneside: 'in hardly any of them are there to be found the conditions generally recognized as necessary to a properly balanced local government area, i.e. industry, shops and residential quarters for the different classes. It is within the bounds of possibility for a person to live in one town, work in another,

<sup>1</sup> Ibid., paras. 44-6.

<sup>2</sup> Royal Commission on Local Government in the Tyneside Area (Cmd. 5402), paras. 128-9.

shop in a third, and possibly have his children educated in a fourth'.<sup>1</sup> Of course, this criticism is logically dependent on the equation of a suitable local authority area with a properly balanced community. The Royal Commission recommended the formation of a single authority for the whole Tyneside conurbation on both sides of the river — the application of the principle of conurbation regionalism. But the problems of the Tyneside conurbation could not be dissociated from those of the County of Northumberland as a whole; it was felt that the rural areas naturally looked to Newcastle for many services, and that if the suburban districts which were in the administrative County of Northumberland were detached from it and put in a Tyneside unit, then the rural areas would find great difficulty in standing alone. Further, the services considered as regional in character needed, or could conveniently be administered over, a much wider area than the continuous stretch of 'built-up' territory alone. Hence the Royal Commission adopted as their 'region', not only the Tyneside conurbation but the administrative County of Northumberland as a whole. Such an area, including both urban and rural territory would give an equal spread of benefits to all inhabitants and would be large enough to ensure efficient administration and secure that the responsible authority should have ample financial resources.<sup>2</sup> Two County Boroughs and one non-County Borough (Gateshead, South Shields and Jarrow) with two Urban Districts regarded as part of the conurbation were on the south side of the Tyne, and formed (except for the two County Boroughs) part of the administrative County of Durham. But the rest of the County of Durham was excluded from the scheme, as having problems of a different character and also because it would not be affected in the same way as the mainly rural County of Northumberland by the proposals for creating a new local government unit on the Tyneside. The Commission recommended that certain 'regional' services should be administered by a Northumberland Regional Council for Northumberland and the Tyneside. Such services would be those which were 'preponderantly national in character' and requiring administration over large areas — public health (medical and allied services), education, public assistance, police, fire brigade, highways (except urban unclassified).<sup>3</sup> On the other hand, there were other services, 'local in character' and 'conferring upon the ratepayers benefits more

<sup>1</sup> Cmd. 4728, p. 87, para. 41.    <sup>2</sup> Report, paras. 137, 139.    <sup>3</sup> Report, paras. 134, 144.



or less commensurate with the equivalent rate burden'. These should be administered by 'units having jurisdiction over a more restricted area contained within, and forming part of, the regional area'. Such services would include the environmental health services and the maintenance of urban unclassified roads. Such services would be the function of the 'minor' authorities within the region, and for this purpose the whole of the Tyneside conurbation should become a single local authority—four county boroughs, two non-county boroughs and five urban districts or parts of urban districts.<sup>1</sup> Thus, although all these units would lose their identity the powers given to the new local authority for the Tyneside (excluding the rest of Northumberland) would be less than those of a county borough, or indeed of many non-county boroughs.<sup>2</sup>

Just as the Preliminary Investigation into the Durham and Tyneside area produced the recommendation of a Royal Commission on the Tyneside, so Lord (then Sir Wyndham) Portal's Report on South Wales drew attention to a rather different local authority problem—'the great difficulties which the County Borough of Merthyr Tydfil is working under as their present rate places a terrible burden on their shoulders'.<sup>3</sup> The Royal Commission was appointed 'to report whether the existing status of Merthyr Tydfil as a County Borough should be continued, and, if not, what other arrangements should be made for its local government, regard being had to its own interests and to those of the surrounding counties and county districts'. It found that the economic situation of the County Borough caused the expenditure on public assistance to require a rate of 14s. 9½d. in the £1 in 1935—half the rate levied. But the difficulties were aggravated by the break-up in 1930 of the Merthyr Tydfil Poor Law Union under the 1929 legislation. Previously the cost of relieving distress in Merthyr Tydfil itself, caused primarily by the loss of its steel and iron works, had been shared by the neighbouring districts in the Union. But since 1930 Merthyr Tydfil, as a County Borough, had to bear the brunt alone. This raised the whole issue of whether Merthyr could continue to be a County Borough, and, if it ceased to be, the local government pattern of the whole area would be affected, since neighbouring authorities would once more have to share

<sup>1</sup> *Ibid.*, para. 206.

<sup>2</sup> The Minority Report of Mr. Charles Roberts has already been mentioned under the discussion of the county borough principle.

<sup>3</sup> Cmd. 4728, p. 171.

Merthyr's burden, and it was debatable how widely this burden should be spread. The Commission stated that they were 'not aware that the qualifications, apart from the number of inhabitants, required for the status of a county borough have ever been stated with precision, but we think it will be agreed that inability, immediate or imminent, to discharge without extraordinary pecuniary aid the functions which differentiate a county borough from other towns, might be regarded as a disqualification'.<sup>1</sup> The conclusion of the Royal Commission was that, in view of the lack of prospect that the economic situation of Merthyr Tydfil would improve, it should lose its county borough status and be merged in the County of Glamorgan, of which it was geographically a part and in which it had been for administrative purposes until its creation as a County Borough in 1908.<sup>2</sup> Such a step would have been strongly opposed by the County Borough; the removal of County Borough powers would have been unprecedented and regarded by Merthyr Tydfil as victimization for misfortunes beyond its control. On the other hand, the County of Glamorgan's own rates were very high: in 1935 in the six urban districts comprising 50 per cent of the population of the County, the rates varied from 20s. to 26s. 3d. in the £1, between 30 and 40 per cent being for public assistance. Thus the County was 'as averse from assuming the powers as the Corporation were averse from parting with them'.<sup>3</sup> The Commission pointed out that if the County Council had been responsible for public assistance in Merthyr in 1935 and the expenditure were spread over Merthyr Tydfil and the County together, a rate of 9s. 0.6d. would have been required instead of 14s. 9½d. as actually levied. Merthyr Tydfil would thus have been saved 5s. 3.4½d. in the £1, but the addition to the Glamorgan County rate, it was estimated, would have been only 5.1d.<sup>4</sup> The only county borough service that it was suggested Merthyr should retain was police, since no saving was expected to accrue from merging the Merthyr in the Glamorgan force. Alternative schemes were put forward by the County Borough and the County. First it was held that by their proposals the Commissioners were admitting the principle of spreading the charge but not putting it into full effect. The charge should be put on a national basis, and a special contribution from the National Exchequer made to Merthyr Tydfil. This

<sup>1</sup> Report (Cmd. 5039), para. 150.

<sup>2</sup> *Ibid.*, para. 113.

<sup>3</sup> *Ibid.*, para. 152.

<sup>4</sup> *Ibid.*, para. 156.

was the suggestion put forward by the County Borough, and it would enable them to retain their powers. The proposal was also put forward by the County, who suggested as an alternative, that if the charge were not to be borne nationally, it should be spread over the geographical, and not merely the administrative, county. There were two other county boroughs in Glamorgan — Cardiff, with a public assistance rate of 3s. 7.5d. and Swansea, with one of 3s. 8.5d. — compared with Merthyr's 15s. 11.5d. and Glamorgan's 8s. 9.9d. (1934-35 figures), and in any reorganization of liability, not only Glamorgan but Swansea and Cardiff should be included. Thus, from a different angle, the discussion returns to the same question — the problem of a conurbation which is an economic and social unity, but administratively divided between distinct authorities. It is in question in the case of South Wales, and on the Tyneside, but it could be applied to any major conurbation. For instance, evidence to the Royal Commission on the Distribution of the Industrial Population showed proposals that the Merseyside area should be united under a single regional authority,<sup>1</sup> and similar discussions arose about the Manchester area.<sup>2</sup> It was indeed in the Report of this last Royal Commission that a thorough survey of regionalism and its influence on problems of central and local government was made for the first time in an official document, and the different types of regional activity reviewed. After mentioning the writings on regionalism in England, the trend towards larger units of local government as manifested in joint authorities, the deconcentration of Government Departments, and the references to regionalism in the Reports already cited, the Commission turned to the effect on their own field of study, the redistribution of the industrial population, *if* local government were reformed on regional lines. They were of opinion that such a regional system would be of assistance in dealing with the special areas, in the carrying out of planning schemes, and in securing a more balanced distribution and diversification of industry.<sup>3</sup> Particular attention was drawn to the possibility that regional centres would increase in importance, and that such towns would become 'even more than at present, important wheels in the financial and industrial machinery of the country',<sup>4</sup> and might

<sup>1</sup> Royal Commission on Distribution of Industrial Populations. Minutes of Evidence, p. 875, Q. 7538.

<sup>2</sup> Ibid., p. 805, QQ. 6761 sqq.

<sup>4</sup> Ibid., para. 377.

<sup>3</sup> Report, para. 379.

be able to some extent to provide, in conjunction with London, the attraction of the 'big city', thus lessening the tendency of industry and population to mass in the Metropolitan area and the South Eastern corner of the country.<sup>1</sup>

The Commission concluded 'that by the adoption of a regional system the solution of several of the problems before the Commission would be materially facilitated'.<sup>2</sup>

#### D. Recent Proposals for a Regional Structure

It is against this background that an analysis of some schemes for regional areas of local government, involving at the same time a multi-tier structure, must be set. The trend towards larger areas of local government, the deconcentration of the central authority on regional lines, the proposals for 'conurbation regionalism', based on the conditions of particular urban areas, and the general demands by critics of the existing local government structure for the creation of regional units of administration, all have conditioned the thinking expressed in the proposals formulated during the second World War, when the problems of reconstruction were under discussion. The general trend of these schemes may be illustrated by four examples, the proposals of the County Councils Association, those of the Labour Party, of Professor G. D. H. Cole in the *Political Quarterly* and *Local and Regional Government*, and of the Fabian Society pamphlet by 'Regionaliter'. The arrangement of the schemes is according to the approximate number and size of the major units envisaged to show how these decrease in number and increase in area in each type of proposal. Each illustrates in varying degree, the demand for regional areas of administration, combined with a set of subordinate authorities inside the region; in so far as the schemes are 'compendious' they are opposed to the *ad hoc* proposals, and in that they are 'multi-tier', they reject the proposals for all-purpose authorities.

The first scheme to be considered — that of the County Councils Association — is not in truth a 'regional' scheme at all, but it is treated here because in its proposals for amalgamating the smaller counties, reducing the number of county boroughs and retaining a double-tier structure inside the counties, it shows the beginning of the argument for larger areas, which, when developed by others, becomes the regional approach. The C.C.A. Report begins by rejecting the pro-

<sup>1</sup> Report, para. 382.

<sup>2</sup> Ibid., para. 386.

posals for 'regionalism' whether interpreted as meaning a continuance of the Regional Commissioner system in a modified form or as meaning 'the establishment of regional bodies with supervisory powers over the authorities within the region' or 'a wide extension of local government areas'.<sup>1</sup> The second alternative interpretation was rejected because 'the Association consider two of the cardinal principles of local government to be the full maintenance of local interest and the prescription of areas which, while large enough to be economically sound, are sufficiently compact to be administratively convenient. To neither of these principles do regional bodies of the two types now under discussion appear to conform'.<sup>2</sup> The Association were prepared to consider alterations in the case of certain public utility services, certain aspects of the education service and some institutional aspects of the public health service — all of which might require areas larger than those otherwise envisaged. With regard to these, co-operation between adjoining counties and county boroughs would have to be established for some education services;<sup>3</sup> for hospitals, 'it is in fact already generally recognized that reorganization on a basis wider than the areas of most, if not all, existing or proposed local government authorities is necessary'.<sup>4</sup> The proposal to establish 'single all-purpose authorities' throughout local government is not accepted by the Association, who 'do not consider there to be any case for so vast an upheaval of the present system'. While all-purpose authorities should be maintained in densely populated and compact areas, 'although even here it may be doubted whether the elected representatives, as distinct from the officials, can exercise a reasonable measure of control and supervision over so extensive a range of subjects', elsewhere there must be provision for smaller local authorities, 'to administer the more localized services, to give scope for local knowledge and responsibility, evoke and foster local interest and provide a training ground in self-government on democratic lines', while at the same time relieving the county councils from the danger of becoming congested with too much purely local work.<sup>5</sup> The standards by which the Association consider future areas should be determined involve the consideration of the following factors:

<sup>1</sup> County Councils Association, *Local Government Reform* (1943), para. 3.

<sup>2</sup> *Ibid.*, para. 6.

<sup>3</sup> *Ibid.*, para. 46.

<sup>4</sup> *Ibid.*, para. 71.

<sup>5</sup> *Ibid.*, para. 14.

- '(a) Area.
- (b) Population.
- (c) Rateable value.
- (d) Maintenance of local interest.
- (e) Convenient access to an administrative centre.
- (f) Community of interest.'<sup>1</sup>

Acting on these principles, the Association considered that *prima facie* a population of less than 100,000 is unlikely to be sufficient to justify the existence of a major local government authority such as the county councils represent'.<sup>2</sup> They therefore recommend that 'in the case of counties with populations of less than 100,000 examination should be made by means of an appropriate local inquiry, of their ability to discharge their functions economically and efficiently',<sup>3</sup> and this would affect 14 counties out of 61. If found necessary, amalgamation of areas would take place, but as far as possible, the names of the counties would be preserved in any new combination. The application of a similar principle to county boroughs was also suggested, the figures being 75,000 for existing county boroughs, and 125,000 for the creation of new county boroughs; it was pointed out that 39 out of 83 had populations of less than 100,000 and 23 of under 75,000. A Boundary Commission — or body capable of carrying out *inter alia* the work of a Boundary Commission — should be charged with these inquiries and also with the adjustment of county boundaries to eliminate geographical or administrative anomalies.<sup>4</sup> Once the new settlement of areas was effected there should be a moratorium of fifteen years on county borough creations or extensions, and subsequently changes should be possible only at ten-yearly intervals, otherwise county councils would be unable to plan ahead because of the constant fear of having their areas reduced and upset.<sup>5</sup> With regard to the local authorities within the county, there should be regrouping of non-county boroughs, urban districts and rural districts. All boroughs and urban districts over 10,000 population would remain, but those under 10,000 with all rural districts would be reformed into new units, to be known as county districts, but with arrangements for the retention by the small boroughs of their titles, charters and privileges otherwise than for

<sup>1</sup> County Councils Association, *Local Government Reform* (1943), para. 16.

<sup>2</sup> *Ibid.*, para. 20.

<sup>3</sup> *Ibid.*, para. 22.

<sup>4</sup> *Ibid.*, para. 24.

<sup>5</sup> *Ibid.*, para. 27.



local government purposes. To meet cases of special circumstances, the county councils would have power with the approval of the Ministry of Health to exempt authorities under 10,000 from re-grouping. Whereas a form of Boundary Commission would be entrusted with the alterations to counties and county boroughs, the making of the schemes for change within the county would be the function of the county councils. Parish councils would be retained and overhauled, as they might have a more important part to play, if county districts in rural areas were amalgamated into larger units.<sup>1</sup>

Thus under the C.C.A. scheme the counties might be reduced from 61 to 47; the county boroughs might be reduced to 60 if those under 75,000 were demoted, and if the figure of 100,000 were taken the reduction might even be to 44. Thus, while allowance must be made for the possibility of some non-county boroughs over 125,000 population becoming county boroughs, the proposals put forward make it possible to envisage a reduction in the number of major authorities from 144 to 107 or even to 88. But the next scheme to be considered — that of the Labour Party — which does call for regional areas, states that the region 'would probably be an adaptation of the existing county areas',<sup>2</sup> so a figure of 60 regions might be considered a reasonable estimate. Thus, judged by the total number of units which would possibly result under the application of the scheme, the difference between the C.C.A. proposals and those of the 'regional' schemes is not so wide as might at first be thought.

Like the C.C.A. scheme, the Labour Party proposals 'emphasize that the "two-tier" system of local government with two grades of local authorities is fundamentally sound'.<sup>3</sup> There is a statement of the twofold argument against the all-purpose authority:

- (1) In rural areas the resources available would be so limited that the area required would be too large for all purposes, with a danger of the structure becoming remote, particularly in relation to purely local services, and would necessitate the delegation of some of the responsibilities upon co-opted committees. Purely local services, with other responsibilities delegated from the Major Authority, should be administered by a democratically elected local authority.

<sup>1</sup> Ibid., paras. 32-9.

<sup>2</sup> Labour Party, *The Future of Local Government*, p. 14.

<sup>3</sup> Ibid., p. 2.

- (2) In the large conurbations, there is a two-tier system in being which will continue to be necessary in all centres of large population if local interest is to be preserved.<sup>1</sup>

The Major Authority is termed a 'region' but it is made clear that this is not intended to mean that the areas should be similar to those of the civil defence regions, 'since they are much too large and therefore too remote to maintain a common interest'. In delimiting the regions a balance must be struck between an area so large that 'the sense of a common interest' is lost and one that is too small to provide scope for planned development and the resources for the employment of adequate staff. The regions might 'well be adaptations of the existing administrative county areas, provided that present boundaries, many of which were determined by historical conditions which bear no relation to modern needs, are not regarded as sacrosanct or unalterable. Where necessary, amalgamations and absorptions of existing authorities should take place to achieve a satisfactory unit'.<sup>2</sup>

Area authorities should be built up from the existing county boroughs and county districts, and should be 'as few as will make efficient local government possible'. Both they and the regions would be defined on the principles of fusing town and country, and getting, so far as possible, a similarity of financial capacity between units.<sup>3</sup> The area authorities would exercise functions by delegation from the Major or regional authorities, and would have some functions of their own; other functions would be split between the two types of authority or would be exercised by them concurrently. Thus fire protection, hospitals, education, public assistance and the licensing of entertainments are regional functions exclusively; nearly all the local sanitary functions, the regulation of shops and weights and measures, and allotments and small holdings would be exclusively area functions. Main drainage, major highways and bridges, large open spaces and the disposal of refuse would be handled by the regional authority, while ordinary sewerage, minor roads and bridges, small open spaces and the collection of refuse would be in the control of the area authorities; both regional and area bodies would exercise concurrent powers with regard to museums and libraries. As the report envisages the nationalization of public utility services such as

<sup>1</sup> Labour Party, *The Future of Local Government*, p. 7.

<sup>2</sup> *Ibid.*, pp. 7, 8.

<sup>3</sup> *Ibid.*, p. 8.

gas and electricity, only the right to a proper 'locus' on prices and services would be reserved to the regional authorities.<sup>1</sup>

The multi-tier principle is emphasized in the 'Future of Local Government' proposals of Professor G. D. H. Cole.<sup>2</sup> It is, in part, an answer to the unwillingness of the smaller local authorities and the inhabitants of their areas, to be absorbed in the great county boroughs, thus losing their own local councils. Thus 'the citizens of, say, Bradford or Gateshead or Hove or Bootle wanted to have still some sort of elected authority of their own and some local independence. They did not want to be merely voters for a West Riding, or a Tyneside, or a Greater Brighton, or a Merseyside Local Authority'.<sup>3</sup> This principle could be extended even to the large urban areas now administered by a single authority; 'in certain cases it may also be desirable to re-create within what are now single huge towns lesser local authorities holding a limited sway over more manageable areas'.<sup>4</sup> Thus when the choice comes between a system of the L.C.C.-metropolitan borough type or the county borough type, the decision is in favour of the former, as this would be flexible enough to allow of a single body to administer services requiring a large area, or for the co-ordination of local services, and also of smaller and more localized bodies to allow each smaller community to have its own council to run matters of more restricted concern. The scheme envisaged would group the local councils into regions, each with its directly elected regional council. These regions would be much smaller than the civil defence regional areas, being grouped around a county borough or an important non-county borough. For instance, Greater Manchester (an area defined for the purpose of illustration as containing 3 county boroughs, 11 non-county boroughs, 18 urban and 4 rural districts) would be divided into about 20 'boroughs' each with its own council. But the whole of the Greater Manchester area would have its 'regional' (to be called perhaps a 'city') council. There would be a similar grouping on Merseyside, and other regions — with populations between 70,000 and 200,000 — built round individual county boroughs and some non-county boroughs in the rest of the industrial area of Lancashire and Cheshire. Above the region it would be necessary to have a co-ordinating or 'provincial' council, but the 'regional' councils of

<sup>1</sup> *Ibid.*, pp. 8, 15-16.

<sup>3</sup> *Ibid.*, p. 409.

<sup>2</sup> *Political Quarterly*, Oct.-Dec. 1941, p. 405.

<sup>4</sup> *Ibid.*, p. 410.

Manchester and Merseyside would be so populous as to constitute 'provinces' of themselves. The rest of Lancashire and Cheshire outside these two conurbations could be grouped either in one 'province', or else into two, one for Lancashire and one for Cheshire, in which case the name 'county' might be retained. The separation of urban from rural areas, and of the county borough from the county districts (which in Lancashire are often densely populated) would be overcome, since all alike would be included in the regional and the provincial areas. But there would remain the problem of co-ordinating Manchester and Merseyside, the two 'City-Provinces', with the Lancashire-Cheshire Province (or the two separate 'County-Provinces' of Lancashire and Cheshire). At all other stages of the hierarchy, direct election would be the rule, with the innovation that the directly elected member of each council would be also an *ex officio* member of the council below it in the scale, thus securing liaison between the different bodies. But for the problem of co-ordinating the entire North-West instead of setting up another 'roof' body directly elected, the suggestion made is that the provincial councils (Manchester, Merseyside, Lancashire, Cheshire) should meet in joint session, thus securing a directly elected body without the addition of another election. This 'federal' grouping would not generally be necessary, but only in an area like the industrial North-West which has many common problems, but is so populous as to require more than one directly elected provincial council. Following the principle of integration of town and country, of county and county borough, 'provincial' status would be given only to a very few heavily populated 'regions'. Thus apart from Manchester and Merseyside, only Greater Birmingham, Tyneside, and two Yorkshire areas centring around Leeds and Sheffield would require such treatment. As a comparison with the detailed scheme for the industrial North-West, a sketch of the organization of a mainly rural area like Devon and Cornwall is given. Here there would be no city provinces, but a single 'province' for Devon and Cornwall together, or perhaps two separate Provincial Councils, one for each county (retaining the name 'county council'), both linked together in joint session as a Federal Council. In Devon and Cornwall there might be some fifteen or twenty 'regions' each built round a considerable market town, and there would be smaller local councils inside the regions. The multi-tier structure proposed would try to fit each level

of community grouping with its appropriate local government organ, and there would be a similar adjustment of services between the grades of authority. 'Neither health, nor housing, nor town-planning, nor education can become, *in toto*, a "provincial" or a "regional" or a "local" service. In each of these spheres there will need to be both a distribution of powers and functions, and a distinction between powers of direct administration on the one hand and powers of supervision and co-ordination on the other.' For instance 'planning is evidently a case for the drawing up of a general "plan" by the "province" (or "federation" in such cases as that of the North-West), the execution of the "plan" being a case for "regional" action with power to delegate authority in certain instances to the smaller bodies within the "region"'.<sup>1</sup>

It is not, of course, possible to forecast exactly how many 'provinces' would in fact be set up if this scheme were applied, but it might perhaps be inferred that they would be more numerous than civil defence regions and rather less than the existing number of administrative counties. On the other hand, the grouping of some at least of the provinces into federations does look towards even larger areas for certain limited purposes. Thus when comparing the number of major units envisaged by the proposals, it is perhaps suitable to place it between a scheme of the Labour Party type and those schemes which look to the civil defence regions as being the areas which should approximate to the future major units of local government.<sup>2</sup> Like the Labour Party Report, Professor Cole regards this last course as unacceptable, holding that 'the defence regions set up under the Ministry of Home Security have, and can have, nothing whatever to do with any "regionalism" conceived in terms of local government reform . . . the "defence regions" are of a totally different kind, much wider than the "provinces" into which I have proposed that the local government "regions" should be grouped. In considering the future of local government, the only sensible course is to put the "defence regions" right out of our minds'.<sup>3</sup>

<sup>1</sup> *Political Quarterly*, Oct.-Dec. 1941, p. 414.

<sup>2</sup> It will be observed that the term 'region' in Professor Cole's proposals relates to a unit which is not comparable to those called 'regions' in the other schemes.

<sup>3</sup> *Op. cit.*, pp. 416, 417. Professor Cole's proposals are set out in greater detail, and with some modification, in *Local and Regional Government* (1947). It is there suggested that for the four great conurbations of Manchester, Birmingham, Liverpool and Newcastle-on-Tyne there should be regional ('county') councils, with boroughs as second-tier authorities within them; thus Greater Manchester

There is, however, a trend of thought which does seek to utilize the defence regions, after adjustment, as the basis for new major areas of local government, and since these are the largest units so far suggested, an example of this type of scheme will serve to conclude the illustrations of proposals for reform along regional lines. The Regional Commissioners' areas would thus, after adjustment, serve as the areas for directly elected regional councils. The fact that the civil defence regions were a 'going concern' during the war period and showed many of the advantages of regional areas of administration would be an added reason for arranging that the regional commissioners be followed by regional councils. 'If we ignore the most conspicuous manifestation of regionalism which actually exists, and refuse to consider it as a basis for reforming local government, on the ground that it was not designed for that purpose and is admittedly not ideally suited for it, we run a grave risk of forsaking the substance for the shadow, of being left without anything more solid on which to found our hopes than a number of general ideas which have been

would comprise 32 boroughs, 13 of these being formed from the present area of Manchester County Borough. Outside the conurbation, the principal unit would be the 'incorporation', centred generally upon a large town, but in the thinly populated area comprising a tract of rural land with its local urban centre or centres. Within each incorporation there would remain the existing non-county boroughs and urban districts - both in future to be classed as boroughs, and new boroughs formed by breaking up the present areas of the larger county boroughs, perhaps on the lines of the parliamentary constituencies; the rural area within the incorporation would have a parish council or councils, the number and areas of which could be determined by the wishes of the local population. The principle would be to secure flexibility within the incorporation, allowing the inhabitants considerable freedom in maintaining or fusing boroughs and parishes. Certain services, recognized as requiring a large area for their planning and co-ordination, would be organized on a 'county' or 'regional' basis over an area approximating to a present geographical county or a combination of them; existing county boroughs could be brought into the multi-tier system. Thus in the geographical County of Lancashire, apart from the conurbations of Greater Manchester and Greater Liverpool, there would be 24 incorporations, with populations ranging from 190,000 for that of Oldham to 40,000 for that of Morecambe. In the geographical County of the West Riding there would be a single regional or county council, since the problems of Sheffield, Leeds and Bradford are held by Professor Cole to be so closely associated with each other and with those of the surrounding districts that it would not be possible to constitute them as separate conurbations. Within the West Riding there would be 11 incorporations based on Sheffield, Leeds, Bradford, Dewsbury, Wakefield, Barnsley, Doncaster, Huddersfield, Halifax, Keighley and Ripon, with populations varying from 815,000 for the first to 125,000 for the last. On the other hand, in the rural counties the populations of the incorporations could be far smaller. Kent would have 15 - the smallest (Romney Marsh) having only 10,000 inhabitants - and Norfolk 16. The smaller authorities would carry out some functions, like education or health, by delegation from the county or regional councils, but they would run others on their own responsibility, e.g. community centres, civic restaurants, cleaning streets, local sanitary duties.



floating around for several decades without at any time meeting with widespread acceptance. In these circumstances it is better to try to build with the materials that we have, even if they are somewhat defective, rather than to defer the attempt indefinitely until the perfect bricks and mortar come to hand — if ever they do.<sup>1</sup> Since this passage was written in 1942, the Regional Commissioners have, in fact, passed out of existence, but, in any case, it might be held that areas of about the size of the civil defence regions are the most suitable for local government purposes. 'The best divisions of the country for the purpose of the large scale municipal services would produce no more than about sixteen regions: or twenty at most. We have always in the past made the mistake of taking far too small areas for local government purposes. It is essential that we should not once again fall into this habitual error.' There are, even on this view, defects in the civil defence regions, such as that the South-Western is too large and the London too small, or that they follow the county boundaries too much. But the conclusion reached is 'that the best course to adopt is to take the civil defence areas as the provisional basis of post-war regional government to begin with, but to regard them as no more than a first approximation. We should provide, in the legislation which establishes the constitutional authorities about to be described, for a review of the regional boundaries and of the number of regions, to be made by a prescribed authority at the end of a three-year trial period, and thereafter every five years'.<sup>2</sup> Under this scheme, directly elected regional councils would be responsible for large-scale planning, technical education, specialized medical services, police, fire brigades and large water supply schemes; with regard to other services such as main drainage or refuse disposal the regional authority would provide installations catering for wide areas, while the local functions, such as the actual collection of the refuse, would be left to smaller authorities. Under their general planning powers, the regional council would also be responsible for the siting and general lay-out of services such as libraries or baths and wash-houses which were provided by the smaller authorities. These 'lower-tier' bodies would be of two classes — 'town' councils, corresponding to existing county boroughs or the 'more substantial, well equipped and capable' non-county boroughs and urban districts,

<sup>1</sup> *Regional Government* by 'Regionaliter' (Fabian Research Series No. 63), p. 13.

<sup>2</sup> *Ibid.*, p. 14.

and 'country' councils, representing the remaining areas of the country, grouped into units that might correspond to counties, e.g. Suffolk or Berkshire, though, in general, the present county areas would have to be rearranged, and the 'country' councils would then comprise extensive parts of counties. These 'town' and 'country' councils, which would seem to perpetuate the existing relationships between town and country represented by county borough and administrative county, would be responsible for secondary and primary education, public health services, streets other than regional and trunk highways, bridges, libraries, swimming baths, and all other functions not handed over to the regional councils.<sup>1</sup> In order to stimulate local interest wards in the 'town' council areas and villages in the 'country' council areas would be given local committees, composed of the councillors for the ward or village, with other locally elected persons. These committees would not be independent authorities, but would have functions delegated to them by the 'town' or 'country' council concerned, including even the right to levy a purely local rate up to a stated amount to pay for extra local amenities; the committees would be, however, completely subject to the jurisdiction of the delegating council.<sup>2</sup> Finally, the proposals point to the opportunities for integrating at the regional level the activities of both local and central authorities, since the central departments could use the regional areas for the purposes of their own decentralized activities. From this might come a new phase in governmental activity, the regional level becoming the meeting-point between the evolution of local and the devolution of central powers.

If the various proposals be briefly reviewed, certain general tendencies appear to stand out. Firstly, to retain the present relationship between county and county boroughs, even if these be termed all-purpose authorities, involves the constitution of some form of joint bodies to unite town and country, for certain purposes at least; thus there is a tendency to overlapping between proposals of this kind and those based on an extensive application of the *ad hoc* principle. Secondly, if the all-purpose authority is conceived of as a new sort of area, uniting an urban centre and the surrounding rural territory, it will probably in most cases approximate to an area of a

<sup>1</sup> *Regional Government* by 'Regionaliter' (Fabian Research Series No. 63), pp. 23-4.

<sup>2</sup> *Ibid.*, p. 25.

size between those of the major and the minor authorities of the rival 'two-tier' principle. Thirdly, there is a generally manifested tendency towards the grouping of urban and rural elements in the same unit; in multi-tier proposals, even if this is not proposed at one level, it is generally recommended for another grade of authority. This trend of thinking represents a general alteration of attitude from that which developed throughout the nineteenth century, finding its culminating expression in the Acts of 1888 and 1894 which separated town and country at the county and the district level respectively, though it should be pointed out that in large areas of the country the boundary between county and county borough separates urban communities of identical character, this being particularly the case in the industrial North and Midlands. It is interesting to speculate whether in the proposals of today for an integrated regional system or for urban-and-rural all-purpose units, there is a reversion to the principles adopted in 1834 in the formation of poor law unions. Finally, it may be in order to point out that two complicating factors sometimes intervene in the framing of proposals for a new structure. Sometimes a general plan is based on the solution that is demanded by a particular type of area only, or conversely, a solution is proposed that would suit a specific area, but takes no account of the difficulties that might ensue for neighbouring areas. There is also a tendency to confuse the sort of principle which is applicable when dividing areas for convenience of administration from above, and the opposite principle of aggregating communities from below, which is in essential accord with the basic conceptions of local government.



PART III

GENERAL PROBLEMS OF AREAS





## CHAPTER IX

# GENERAL PRINCIPLES FOR THE DELIMITATION OF AREAS

### A. Introduction

ADMINISTRATIVE areas of local government can be defined according to the particular technical requirements of the different functions to be carried out, but it is also possible to seek some general principles governing the delimitation of areas, without a preponderating influence being given to the needs of any one service. Examples of the construction of a system of local government areas *de novo* upon the basis of the application of a set of fundamental principles of this kind are not frequent, but there are sufficient instances, together with projected schemes not yet implemented, to allow of a broad classification of the sort of principles that have been considered relevant to the general problem of delimiting local government areas, though the illustrations cannot by any means be confined to England and Wales, and may sometimes transcend the more strictly defined field of local government. Such principles may perhaps be divided between three main groups, although the architects of any particular scheme of local administrative areas may have selected several guiding principles of different types. First, there is the attempt to apply some general quantitative standard to the areas; this is mainly the desire to get areas of approximately similar area or population, though sometimes there may be another quantitative rule, such as a desire to limit the total number of areas to be created. Secondly, there is the trend for making administrative areas correspond to one or more sets of factors in another field of the life of the country; thus a system of areas may be professedly based (a) on geographical considerations, (b) upon the distribution of industry or the general layout of economic life, or (c) upon the traditional structure and historical grouping of the population. Thirdly, the governing principle may be to equate the areas of administration with the zones of influence of the principal towns in the country, or, at a lower level in the scale, upon the local centres of economic and social life; such a principle involves the giving of

special importance to considerations of transport and the customary movements of the people.

### B. *The Quantitative Pattern*

For the construction of a system of local government areas upon a quantitative pattern, perhaps the classic example is the division of the French Provinces into Departments in 1790.<sup>1</sup> A brief review of this may serve to show the sort of position in which a legislative body feels itself compelled to produce a completely new administrative structure of local government and how the practical methods of accomplishing it are based on the contemporary trends of political theory; it may also suggest the success, and the limitations, of the application of a fundamental principle to this problem of delimiting areas. The Constituent Assembly in 1789 was faced with a situation which involved two main reasons for reform. First, from the point of view of convenience, the existing structure of areas was completely anomalous. On the basis of the original feudal units there had been erected first a network of judicial areas (*bailliages* and *sénéchaussées*) which incidentally served as the electoral units for the States-General and thus for the Constituent Assembly; above these, and after them, there had been imposed the military 'governments', which took the names of the provinces with whose original boundaries they often did not coincide; after them again there were drawn up the *généralités* or districts of the royal intendants, whose areas overlapped both feudal provinces and military governments. There were in 1789, 401 *bailliages* of various types, 33 'Great' and 7 'Small' Governments (the numbers are disputed), and 34 *généralités*;<sup>2</sup> without mentioning the ecclesiastical divisions or the areas of the *parlements*;<sup>3</sup> thus there were 'provinces, heirs of old feudal states once strongly organized, with their institutions and their laws, *généralités*, artificial units delimited for the purpose of administrative and financial functions, dioceses, ecclesiastical areas based on those of the old Gallo-Roman *civitates*,

<sup>1</sup> See Charles Berlet, *Les Tendances Unitaires et Provincialistes à la Fin du XVIIIème Siècle (La Division des Provinces en Départements)*, (Nancy, 1913).  
Georges Mage, *La Division de la France en Départements* (Toulouse, 1924).

Jean Bancel, *Les Circonscriptions Administratives de la France* (Paris, 1945).

<sup>2</sup> 'On the number of *généralités* alone existing in 1789, the differences according to present historians vary from 20 to 35.' A. Brette, *Les Limites et les Divisions territoriales de la France en 1789* (Paris, 1907), quoted by Mage, *op. cit.*, p. 121.

<sup>3</sup> These figures are selected from the works cited and are intended only to give the approximate picture, without claim to professional exactitude.

*bailliages* or *sénéchaussées*, electoral and judicial units formed from groupings of old fiefs'.<sup>1</sup> The inconvenience of this chaos of overlapping, and often quite uncertainly known, jurisdictions was apparent and the subject of intense local dissatisfaction, particularly manifested in the *cahiers* of 1789; there was thus reason for reform from the point of view of convenience alone.<sup>2</sup> But there was perhaps an even more powerful motive in the desire to break up the provincial particularisms, and put an end to the possibility of provincial rights and privileges turning a unitary state into the loose confederation, which apologists of the *droit des provinces* claimed France already to be. A new plan of areas was required 'such that', as Siéyès put it, 'one could hope, not to see the realm split into a multitude of little states under the form of a republic, but that France could form a single whole, subject uniformly in all its parts to common legislation and administration'.<sup>3</sup> It was this wish which led the representatives of the provinces to cede their rights and privileges on the night of August 4th, in the belief that this was required in the interests of national unity; 'a national constitution and public liberty being more advantageous to the provinces than the privileges which some of them enjoy, and whose sacrifice is necessary for the close union of all parts of the realm, it is declared that all special privileges of provinces, principalities, towns, corporate bodies, and communities, whether pecuniary or of any other kind, are abolished without recall and will remain merged in the common rights of all Frenchmen'.<sup>4</sup> The vacuum thus left by the wholesale removal of the old order called imperatively for the creation of a new structure.<sup>5</sup> Certain features of the structure to be drawn up were fairly evident; the constituent units would be made as similar as possible, in accordance with the current emphasis on uniformity and equality, and the areas of the individual units would be smaller than those of the *généralités* or provinces. This latter consideration was due to a desire for bringing government nearer to the people ('la rapprochement de l'administration des administrés') and also to prevent any single component part becoming so large and powerful that it could menace the unity of the whole.

<sup>1</sup> Berlet, op. cit., p. 221.

<sup>2</sup> Berlet, op. cit., pp. 100 sqq. There were also numerous 'outliers'.

<sup>3</sup> Berlet, op. cit., p. 189.

<sup>4</sup> Decree of August 11th, 1789, quoted Bancal, op. cit., p. 153.

<sup>5</sup> Mage, op. cit., p. 156.

The creation of the new structure proceeded with swiftness. On September 7th, 1789, Siéyès proposed in the Assembly that a new division of the realm be carried out by a commission; on September 13th a Constitutional Commission of eight was appointed, with this as its immediate task. In a fortnight (September 29th) its report was presented by Thouret, chairman and rapporteur of the Commission.<sup>1</sup> The report, accompanied by a map, showed a division into 81 departments. 'France will be divided into divisions each of 324 square leagues, 18 by 18, as far as is possible, starting from Paris as centre and working outwards in all directions to the frontiers of the realm. Each department will be divided into 9 divisions of 36 square leagues 6 by 6, as far as is possible, these divisions to be called communes. Each commune will be divided into 9 divisions called cantons each 4 square leagues, 2 by 2.'<sup>2</sup> The map, however, showed considerable flexibility in drawing the frontiers; these almost always followed existing boundaries and the departments as mapped were far from geometrical regularity.<sup>3</sup> The report was debated in the Assembly, and the issues of principle discussed. In particular, on November 3rd Mirabeau was critical, both because he considered the scheme, in which he saw too mathematical a rigidity, unnecessarily cut across existing units, and because he wanted to substitute population rather than land-surface as the basis of the division; he suggested 120 departments, each of 180,000-190,000 population. During the debates the number of departments suggested varied from 36 to 120; the principle of equality was not seriously contested but those who came from the large self-conscious provinces in the *pays d'état*, like Bretagne, wanted fewer units, so that each would be larger and their own province would not have to be sub-divided. To facilitate a conclusion, it was agreed to vote certain specific questions on November 11th, 1789, and as a result it was decided that there should be 75 to 85 departments, each with a varying number of sub-divisions. The method adopted for the actual delimitation was as follows. The deputies of the assembly were invited to meet by provinces, and appoint representatives to discuss the division with the commission,

<sup>1</sup> The other members were Talleyrand, Siéyès, Lally-Tollendal, Dèmeunier, Le Chapelier, Rabaud de Saint-Etienne and Target; on November 30th, 1789, four associates were added for the work of delimitation - Bureaux de Pusy, Aubry-Dubochet, Dupont and Gossin. See Bancal, *op. cit.*, p. 153.

<sup>2</sup> *Archives Parlementaires*, IX, pp. 654 sqq.

<sup>3</sup> See the Map of L. Hennequin, attached to Thouret's report, and reproduced in Bancal, *op. cit.*, p. 157.

now enlarged by four additional members. Large provinces like Bretagne, Normandie and Perche, Lorraine, Alsace, Provence, Languedoc, Dauphiné, Auvergne, could be divided into several departments fairly simply and a number of departments was allotted to each of them; the deputies then discussed the actual division only. For the other provinces, which were too small to form more than one department or were inextricably mixed up with others, the deputies were to meet in ten groups, and then discuss a scheme for departments. In any case of overlapping or boundary difficulties, deputies of one province were exhorted to discuss matters with those of neighbouring provinces.<sup>1</sup> When the groups had agreed, they submitted a scheme to the Commission, known for this purpose as the Committee of Division, and it was thus able to secure a general plan of departments, which had been arrived at after full consultation with the available representatives of local interests. The completed scheme was submitted to the Assembly on January 15th, 1790, a number of questions that could not be agreed upon during the consultations being referred to a vote of the Assembly for decision. The new scheme was implemented by royal letters patent of March 4th, 1790. The names of the departments were added after their delimitation, and, though it was suggested that they be named after their principal towns, after famous men born within them, or simply numbered, it was finally agreed to give them names of a geographical character, mountains and rivers being preferred (February 26th, 1790).<sup>2</sup>

Under the general headings of areas delimited in accordance with some quantitative standard can be put most of the areas used by governments for the deconcentration of their administration — 'regions of administrative convenience'.<sup>3</sup> The first characteristic of these is that they are drawn up from above, not built up from below, and this process requires some general standard. It may be desired to limit the number of subordinates with whom the head of an administration has to deal — the 'span' principle. 'The number

<sup>1</sup> See the instructions for the procedure of Division, printed as an Appendix to Berlet, *op. cit.*, pp. 269-75. See further Special Note on p. 470.

<sup>2</sup> Mage, *op. cit.*, pp. 198-200.

<sup>3</sup> For these in England see E. W. Gilbert, 'Practical Regionalism in England and Wales', in *Geographical Journal*, March 1939; for U.S.A. see James W. Fesler, 'Federal Administrative Regions', *American Political Science Review* (1936), pp. 257-69; and in *Annals of American Academy of Political and Social Sciences*, January 1940, Vol. 207, pp. 111 sqq.

W. B. Graves, 'The Future of the American State', *American Political Science Review*, 1936, pp. 35 sqq.

of immediate subordinates with whom an executive can deal effectively is limited. Just as the hand can cover but a few keys on the piano, so there is for management a limited span of control.<sup>1</sup> There is thus a desire to limit to a certain figure the number of new areas that can be created. It was partly for this reason that the Vichy regime instituted seventeen Regional Prefectures in 1941; the central government could deal with seventeen officials, know them and watch them, whereas the ninety prefects constituted from this standpoint an unmanageable number.<sup>2</sup>

Another motive for a quantitative division may be to obtain equality between the territorial units, not so much of area or population, but of work to be done. Thus in an administration which deals with only one service, like forests, or mines, the application of this principle of equalizing work will lead to the units themselves probably being quite dissimilar in respect of area and population, because the criterion for them will be the distribution over the country of forests or mines. In nearly all the divisions adopted by departments of the central government for the purpose of organizing their administration in the field, and generally classified as regions based on 'administrative convenience', there can be discerned the application of some sort of quantitative standard; such areas are delimited by decisions from above, by the application of some set of principles, and they are not built up from below by the aggregation of naturally coherent social groupings of the population..

### C. *Geographic Considerations*

The second main set of principles on which a scheme of areas can be based is that which seeks to relate areas of administration to some body of factors affecting the life of the nation as a whole — geographic, economic or cultural.

As an example of the importance of geographic considerations, the case of physiographic features — the lie of the land — may serve to illustrate this tendency. There is a need to design areas for purposes like water supply, land drainage, or the prevention of river pollution upon a physiographic basis. But there is also an inclination to advocate regional units of a more general character, which would

<sup>1</sup> U.S.A., *President's Committee on Administrative Management*, Report (1937), p. 34.

<sup>2</sup> See Vichy Law of April 19th, 1941, cited by Bancal, op. cit., p. 199.



be based upon river valleys or 'drainage basins'. Reference has already been made<sup>1</sup> to the importance attached to watershed areas in the 'sixties and 'seventies in England, and the proposals made to use them as general units of local administration. There has been in the U.S.A. in the twentieth century some tendency to look to the river basins as future units of regional government; the river basin area has been prominently featured in schemes for regional planning and development authorities. Although this may appear to limit the scope of the area to one set of functions, the wide range of development schemes involved in fact makes this a question of a multi-purpose authority. The river valley region is often a convenient planning area that corresponds to a geographic and social unit. From the transport aspect, the river has been of particular significance in American history, and the power resources of the great American rivers are of great importance under modern conditions. The Tennessee Valley Authority is perhaps the most famous example of a multi-purpose authority based on a watershed area, but similar river-valley regions have been selected as planning and development units in the Pacific North West and elsewhere. In 1936, the National Resources Committee published its *Drainage Basin Problems and Programmes* in which the U.S.A. was divided into seventeen regions, based on drainage basins. They recommended the institution of programmes in each of these regions for the following purposes: bank and coastal erosion control, domestic and industrial water supply, drainage, flood control, electric power generation, irrigation, navigation, soil conservation and forest development, recreation, waste disposal and pollution abatement, wild-life conservation.<sup>2</sup> In 1937, forty-five Drainage Basin Committees were formed covering the whole area of the United States, in order to plan the best use of the water resources of each basin.<sup>3</sup> It may be suggested that the river basin has been particularly attractive as a planning and development unit in the United States for two reasons. Firstly, because the great American rivers such as the Mississippi or the Tennessee present in themselves evident problems, because of their liability to flood, and the need to control their flow and navigation. Secondly, the rivers are

<sup>1</sup> Chapter III, *supra*.

<sup>2</sup> National Resources Committee, *Drainage Basin Problems and Programmes* (December 1936), pp. 103-4.

<sup>3</sup> National Resources Development Report for 1942 (House Doc. 560, 77th Congress, 2nd Session), p. 97.

a great source of hydro-electric power, and thus hold the key to large-scale development schemes. Because power is the basis of development, the source of power, as in the Columbia River plan, is the starting point from which the planning and development area is defined. The river valley area has the further advantage that it often comprises a single social and economic community; its boundaries, which run along the mountainous water-partings, 'correspond to the zones of least population, where their oscillations may cause the minimum interference with the economic and social activities of the regions on either side'.<sup>1</sup> This makes the river the nucleus of the area and not, as in so many traditional systems of administrative geography, the frontier; to quote the phrase of the Royal Commission on Local Government in the Tyneside, the river is the 'spinal cord' of the area.<sup>2</sup>

The practical application of the river basin principle in the planning of administrative areas can be seen from the method by which the Tennessee Valley Authority area was selected. Here the starting point was twofold, the river itself and the nitrate plant at Muscle Shoals, whose rehabilitation was to be the first step in the restoration of economic life in the valley. 'The watershed area was decided upon because of its relation to navigation, flood control and power production. Muscle Shoals was the starting point. The desire to utilize the dam and nitrate plants there, the growing interest in national and regional planning, and the desire for an actual experiment in planning and development of a whole region culminated in the Tennessee Valley Authority . . . In order to make Wilson Dam at Muscle Shoals more efficient for navigation and power generation, it was necessary to build an integrated system of dams at strategic points in the Tennessee River and its tributaries. In order to protect these dams from filling up with silt, it was necessary to prevent soil erosion on the lands draining into the river system; hence the necessity of including all the watershed in the area.'<sup>3</sup> It is significant, however, that for purposes of electricity distribution, the T.V.A. Act (section 12) did not limit the area to the watershed but allowed the Authority to sell electricity at any place within transmission distance, which

<sup>1</sup> C. J. Robertson, 'Some Administrative Aspects of Regionalism', *Public Administration*, January 1941, p. 19.

<sup>2</sup> Cmd. 5402, para. 191.

<sup>3</sup> National Resources Committee, *Regional Factors in National Planning* (December 1935), p. 86.

might mean 250 miles. In fact, the first sale of electric power was made outside the valley — at Tupelo (Miss.), thirty miles beyond the watershed. For social and economic planning, the T.V.A. Act (sections 22, 23) and the Executive Order 6161, issued on June 8th, 1933, empowered the Authority to carry its demonstration and planning activities into such territory adjoining the watershed as might be 'materially affected by development consequent to the Act'. Research carried out by the T.V.A. itself into transport and industrial problems showed 'the watershed as not the normal unit for planning and development purposes. The T.V.A. has used the watershed as a nucleus and has expanded or modified its sphere of activity when functional and planning activities required it; this is the express intent of the Act'.<sup>1</sup>

Although the river valley tends to form the nucleus of an economic and social community, the argument cannot be pressed too far. For instance, along a river of any length, it is generally possible to distinguish at least three phases of social and economic life. On the upper reaches, there may be steep banks and minerals, with a pastoral and mining population; along the middle river, there may lie agricultural land, and at the lower river and estuary, the inhabitants may be engaged mainly in commerce and industry.<sup>2</sup> In fact, the Tennessee Valley itself comprises parts of two distinct cultural areas; a large part of it is in the 'non-negro, non-cotton-cultivating South', while a fair part in the Southern and Western sections is devoted to cotton cultivation with 'heavy ratios of tenants and negroes'.<sup>3</sup>

The National Resources Committee of the U.S.A., in the Report on 'Regional Factors in National Planning', made a special appraisal of the watershed area as the unit for regional planning and development, with the T.V.A. as the specimen case. The conclusion was that while the watershed was the only logical unit for water problems (flood control, navigation, generation of hydro-electric power) and associated services (e.g. afforestation, prevention of soil erosion), it was too restricted to serve for such purposes as electricity distribution, transport or local government administration in general.<sup>4</sup> All these

<sup>1</sup> Ibid., p. 87.

<sup>2</sup> J. B. Shannon, 'County Consolidation', *Annals of the American Academy of Political and Social Sciences*, Vol. 207 (January 1940), pp. 167 sqq.

<sup>3</sup> See T. J. Woofter in *American Journal of Sociology*, Vol. XXXIX, July 1933 and May 1934.

<sup>4</sup> Op. cit., p. 113.

depend on the operation of social and economic factors which operate over an area different not only in size but also in shape from that of the drainage basin. The valley of a great river not only cuts across numerous existing administrative units, but evidently must in a long and often tortuous course produce an elongated region different from the compact areas usually sought for political and economic control. The Report on 'Regional Factors in National Planning' accordingly recommends that while a development and planning authority might be given a watershed as its original field of operation, the instrument under which it operates should be elastic enough to allow of action outside the watershed area, as this becomes desirable. 'If the boundary is not rigidified, if individual problems and studies may be treated without strict adherence to that boundary, then the watershed area becomes a desirable nucleus for social and economic planning and development.'<sup>1</sup>

#### D. *Economic Factors*

Just as a system of administrative areas may be based upon natural features, it can also be designed to fit the economic layout of a country. The Royal Commission on the Distribution of the Industrial Population, dealing with the possibilities of administrative regionalism, suggested that regional areas might be designed according to industrial characteristics.<sup>2</sup> Of course, for special economic purposes, 'economic regions' have been designed, like the French Economic Regions in 1920 or the German Economic Districts.

But for a whole system of administrative areas, primarily designed to meet economic needs and fit an industrial pattern, it is necessary to turn to the 'rayonization' of the U.S.S.R.<sup>3</sup> This process has been described as 'the welding together of geo-economically cohering districts into economic units, each of which is itself sub-divided into corresponding sub-rayons'.<sup>4</sup>

<sup>1</sup> Op. cit., p. 113.

<sup>2</sup> Cmd. 6153, para. 384.

<sup>3</sup> The term is used in a double sense: to indicate both the general process of defining the new administrative areas on economic grounds, and the actual units ('rayons') in one of the 'tiers' of the new structure. See Ralf Zeitler, *Die Rayonierung der UdSSR* (Rostock, 1931), p. 5.

<sup>4</sup> 'Zusammenfassung von geo-wirtschaftlich zusammengehörigen Gebieten zu Wirtschaftseinheiten, deren jede für sich wieder unterteilt ist in entsprechende Unterrayons.' G. Cleinow, *Roter Imperialismus: Eine Studie über die Verkehrsprobleme der Sowjetunion* (Berlin, 1931), p. 27.

As the French Revolution produced a new system of administrative areas, so the Russian Revolution led to the introduction of a new structure based not on the mathematical processes of the eighteenth century, but on the two considerations of nationality and economics. The Czarist system of areas had been originally begun by Peter the Great in 1708, but the units had been progressively increased in number, both as the territory of the Empire increased and in order to facilitate control by a centralized bureaucracy.<sup>1</sup> In 1917 there were 101 Governments, with a three-tier structure beneath them; these units had originally been reorganized in 1775, so as to give 300,000 to 400,000 inhabitants in each Government and 20,000 to 30,000 in each subordinate district (*uyezd*). By the time of the Russian Revolution, this quantitative pattern was no longer effective, but, broadly speaking, the administrative units were based on military and fiscal grounds, cutting across units of nationality and economics.<sup>2</sup> Leaving aside consideration of the problem of readjusting areas to fit national groupings, the programme of the Soviet Government called for an immediate reorganization of areas on economic lines. The solution of economic problems and the industrial development of the country was the basis of Soviet policy, and, in the circumstances of the Civil War and the Reconstruction period, it was desirable to be able to decentralize economic activity on to suitably designed areas. The need to encourage local initiative, the great distances, the immense variations in climate, density of population and type of agriculture and industry, all tended to reinforce both the importance of economic considerations in the general governmental reorganization and the desirability of having regional areas, capable of autonomous action. It was originally intended that, ideally, each unit should represent a type of economic activity and even be self-supporting.<sup>3</sup> A debate in the Congress of Soviets in 1919 had decided against a proposal that a structure of *ad hoc* areas should be created, each unit being grouped into different combinations according to functions, and adopted the principle of compendious authorities; the Central Executive Committee was instructed to carry out such a

<sup>1</sup> It may be noted that this reorganization of the Czarina Catherine II was of the same period as the arithmetical schemes referred to in the French Revolution changes of administrative areas.

<sup>2</sup> Zeitler, *op. cit.*, pp. 3-4.

<sup>3</sup> See Zeitler, *op. cit.*, p. 9. There were to be industrial, agricultural, timber and mixed rayons. See S. and B. Webb, *Soviet Communism: A New Civilization* (1935), Vol. I, p. 63.

scheme. The task was entrusted in February 1920 to an administrative commission, which was both to prepare the general scheme and delimit the actual units. Their 'instructions' drew special attention to the following points: the centralization of industry, and of the technical methods of agriculture, location of market centres, the layout of communications, the number and density of population, and the regrouping of population on the basis of nationality. Further 'the urban centres should form the basic nucleus of the new units; the rural territory surrounding these centres should secure a prosperous development of their principal industries. If raw materials processed in the industrial area are also produced in it, then the boundaries of the economic unit to be formed should include the sources of the raw material, in the event of this not being already secured by the principle of taking into account the position of markets in relation to an industrial centre'.<sup>1</sup> The size of units would vary according to transport facilities and density of population, but regions would not normally exceed two millions and districts (*rayons*) 200,000, the latter not falling below 50,000 unless the population were very sparse. In fact, when formed, the regions (*oblasts*) and autonomous republics, which were on the same level in the structure of governmental areas, had populations varying from one to ten millions; the average population in the former was over five millions, in the latter only about a million and a half; the average population of a rayon in the R.F.S.S.R. (there were 3000 throughout the U.S.S.R.) was about 45,000.<sup>2</sup>

As a result of the work of the administrative commission mentioned above, of a special department of the State Planning Commission, and of another administrative commission set up in 1921, a list of twenty-one regions — both regions proper and autonomous republics — was completed in 1921, further additions being made later. The task of delimiting the smaller units was carried out by bodies in each region. The whole process at both regional and local levels was an integral part of the economic planning and construction programme, including the electrification scheme, thus again emphasizing the economic basis of the new structure of administrative areas. The Czarist system of 101 governments, 812 counties (*uyezd*)

<sup>1</sup> Translated from the German version of the Russian text in Zeitler, op. cit., p. 36.

<sup>2</sup> Webbs, op. cit., I, pp. 64, 69.



and 16,700 rural districts (*volost*) was replaced in district after district between 1921 and 1930; experiments were made by setting up trial units in particular areas, and, of course, in some parts of the U.S.S.R. the old structure remained while it had already been replaced elsewhere. The Governments were replaced by the regions and autonomous republics; as there were 28 regions and 13 autonomous republics in the two principal constituents of the U.S.S.R. (the R.F.S.S.R. and Ukraine) this represented a reduction in numbers and increase in size as compared with the Governments of the Czarist regime. The 3000 rayons were a compromise between the 812 counties and the 16,700 rural districts of the old system. Between 1924 and 1929 an intermediate level — the *okrug* — was introduced between the region and the *rayon*, and 176 of these were formed. They were however dropped in order to simplify the structure and check a tendency to bureaucratic congestion. Thus, like the French Revolution, the Russian Revolution produced a new structure of areas, concentrating the power in the hands of fewer authorities whose areas were defined on a new logical principle.

#### E. *Traditional and Cultural Groupings*

But while it is thus possible to base a new system of areas upon 'natural' features, such as the physiographic structure of the country, or upon economic factors, it is similarly to be expected that 'cultural' considerations may be taken as the criteria for the delimitation of a new structure of administrative units. By 'culture' is meant, broadly speaking, the differentiation between territorial groups on the grounds of language, literature, folkways, and historical tradition generally. It is to be remarked that the Soviet system of administrative areas has been professedly based on the combination of both the economic and the cultural factors, for just as the 'rayonization' is a recognition of the power of the former the whole scheme of 'nationalities' and minority areas is a recognition of the importance of the latter; the Soviet scheme contains both principles. The complex organization of constituent republics based on nationality, of the autonomous republics and regions, of the national areas and territories involves issues beyond the scope of local government and it is merely cited here to illustrate the point that considerations of cultural nationality and ethnic grouping can be used as a basis for the territorial organiza-

tion of administration.<sup>1</sup> While a system, like that of the Soviet Union regarding 'nationalities' may try to reproduce in the structure of government cultural groupings which exist in the sentiments and daily life of the people concerned, it is also possible to construct a system of areas on traditional units, seeking in part to give new life to groupings which have remained to some extent in popular feelings but have lost administrative reality. Thus some of the French regionalist schemes have been based on the revival of the provinces of the *ancien régime*, and the proposals prepared by the Vichy Commission on Provinces in 1941 to some extent reflected this ideal, although the identity of the provincial units before 1789 is far from clear-cut.<sup>2</sup>

Most attempts to relate administrative units to cultural groupings are concerned with some form of regionalism, involving relatively wide areas, since the existence of a separate language or culture or social tradition is generally found only in a fairly broad setting. But occasionally there is a chance to apply such criteria on a smaller scale, involving what are local government areas in the stricter sense. Thus in Catalonia, perhaps partly owing to the difficulties of communications, the traditional units of *pays* or *comarcas* remained vivid in the minds of the rural population. But these units of popular sentiment did not correspond to the system of governmental areas and it had been a principle of the Catalan autonomist programme since 1897 to secure a reorganization of administrative areas on the basis of these traditional units. In 1931, with the Spanish Republic inaugurated and a Catalan Generalitat at Barcelona, it was possible to implement this scheme, and a boundary commission was appointed, with among its members Pau Vila, a leading geographer and exponent of this approach to regional geography. The Commission's instructions were: (a) to get the smallest number of sound regional demarcations consistent with efficiency, (b) to make each unit such that from each hamlet in it the return journey to the unit centre

<sup>1</sup> To some extent the principles of nationality and autonomy for minorities wherever possible have led to special units being created at such a level of the hierarchy of government that they can be said to impinge on the field of local government; this is also true of the creation of special local councils for minority groups wherever they exist in sufficient numbers. See the Webbs' *Soviet Communism*, I, pp. 139 sqq, and references quoted there.

<sup>2</sup> See J. Bancal, *Les Circonscriptions Administratives de la France* (Paris, 1945), and V. D. Lipman, 'Recent Trends in French Local Administration', *Public Administration* (1947), p. 28, for fuller treatment.

should be possible in a single day, (c) to get the units roughly equal in population, (d) to minimize as far as possible any reorientations of existing arrangements and habits due to the changes. The Commission proceeded by inquiring of the inhabitants of each village to what *comarca* they considered it to belong, and to what market centres or centres they were accustomed to go. The results were plotted on two maps, one showing from the evidence thus assembled what were the *comarcas*, and the other showing the zones of influence of the market centres. In spite of the original prejudice in favour of using the *comarcas* as the basis of the new areas, they had to be abandoned because the first map showed about 200 *comarcas* for 12,500 square miles, with numerous enclaves and frequently anomalous boundaries. The Commission thought that this complicated pattern was due to an exaggerated desire to show connections between particular villages and a *comarca* or *pay*, involving much spurious erudition. But the second map gave 70 marketing zones of considerable homogeneity, and these were combined into 39 groups. The 39 units were then given names taken from those of the traditional *comarcas* or *pays* and their boundaries were carefully adjusted after consultation with the village councils in the marginal areas. These units were readily adapted not only for all administrative purposes, central and local, but also for such organizations as those of the workers' syndicates and the collective farmers. The 39 'comarca' units were also grouped into 9 'supercomarcas', on a geographical distribution, with 5 in the coastal plain, 2 in the internal plains and 2 in the mountainous north.<sup>1</sup>

#### F. Influence of Urban Centres

The third main principle for defining administrative areas has been to start from a given urban centre and to map the territory which is considered to be dependent on it. In the sphere of regionalism, this approach has produced the theory of the 'Metropolitan Region', considered to be the 'doyen' of American regions.<sup>2</sup> A leading exponent of the doctrine has written: 'I consider a region to be a geographical (areal) unit in which the economic and social activities of the population are integrated around a focal economic and

<sup>1</sup> Review by G. H. J. Daysh in *Geographical Journal*, Vol. XCI (1938), p. 468, of 'La Divisio Territorial de Catalunya', published by the Generalitat de Catalunya (Barcelona, 1937).

<sup>2</sup> H. W. Odum and H. E. Moore, *American Regionalism* (New York, 1938), p. 30.

administrative centre . . . Time rather than distance seems to be the important factor in determining the radii of certain aspects of metropolitan influence. I have found this to be a most feasible criterion for the determination of the regional unit . . . The movements of the people to a given urban centre seem to have considerable stability and to constitute the phases for regional social consciousness. I have therefore come to the tentative conclusion that the retail shopping area about a metropolis represents the practical or optimum type of regional unit to use in social or economic planning.<sup>1</sup> Several divisions of the United States into 'metropolitan regions' on the basis of similar criteria, have been made; for instance, the National Resources Committee, in their Report on Regional Factors in National Planning, included a map showing a possible division of the United States into seventeen metropolitan regions, based on transport facilities and use, commercial influence and newspaper circulation.<sup>2</sup> As far as the metropolitan conurbations alone are concerned, though without necessarily applying the principle to the whole of the country's area, there have been several proposals for a sort of city-state system. 'The steady widening of the city limits, the awarding of police powers to the cities for special purposes outside their territorial limits, the movement for consolidation of city and county or for the autonomy of the large cities also indicate recognition of the very great difficulty, if not impossibility, of furnishing adequate governmental service to large cities under the present form of organization. This has led many theorists, notably N. S. B. Gras, Charles E. Merriam, Patrick Geddes and Thomas H. Reed to predict that in the near future we will be forced to establish separate and distinct governmental areas for the metropolitan centres. That even the proverbial man in the street is thinking along these lines is shown by the large number of articles making such suggestions, and by a contest held by the *Chicago Tribune* some years ago in which the contestants were asked to map a new arrangement of administrative areas. The winning map retained 31 of the existing states, created 9 new ones by consolidations, and provided for the erection of 10 city states surrounding the larger metropolitan centres.'<sup>3</sup> Some of the federal systems of administrative areas are based on the use of the metropolitan criterion. Thus the forty-nine Federal Reserve Bank districts were chosen because

<sup>1</sup> R. D. McKenzie cited in *Regional Factors in National Planning*, pp. 146-9.

<sup>2</sup> Op. cit., p. 150.

<sup>3</sup> Odum and Moore, op. cit., p. 127.

each bank was to be located in a centre, chosen for its financial and commercial importance, and its position at a nodal point of communications.<sup>1</sup> Proposals for basing the major units of administration on the zones of influence of great cities are not confined to the U.S.A. For instance, in Germany, the 'Frankfurt Plan' of 1926 was based on this principle. Frankfurt experienced difficulties because, itself in Prussia, it was close to the administrative frontiers of Bavaria, Hesse-Darmstadt and Baden, and the interlacing of these boundaries across its trade area increased its economic problems. This situation induced the administrator A. Weitzel to study the area dependent on Frankfurt, and then to construct a scheme dividing up Germany into twelve major units based on great centres.<sup>2</sup> A similar basis was taken by R. L. Dickinson in the demarcation of his *Provinces of Germany*, which are defined by economic regions and their city centres.<sup>3</sup>

The definition of local administrative areas by relation to centres of population transcends the question of metropolitan regionalism and has been applied to much smaller units in the administrative and social scales. It is often connected with the radius of influence of the market town. Condorcet's principle of the siting of administrative centres in places easily accessible to the ordinary members of the population has been put into practice in many countries. Its application in Catalonia has been already noted, although there the original intention was apparently to concentrate more on cultural and traditional factors. It has been stated that many American counties were laid out on the principle of 'the ability of a citizen to reach by means of horse and buggy the county seat from the periphery of the area and return in time to get his milking done before sunset'.<sup>4</sup> Even in England, where there has rarely been evident an attempt to delimit areas by the application of a concrete general principle, the formation

<sup>1</sup> See 63rd Congress, 2nd Session, Senate Document 485, p. 361. J. W. Fesler, 'Federal Use of Administrative Areas' in *Annals of American Academy of Political and Social Sciences* (January 1940), Vol. 207, p. 111.

<sup>2</sup> Rheinfranken (Frankfurt), Schwaben (Stuttgart), Bayern (München), Oberfranken (Nürnberg), Obersachsen (Leipzig), Niederrhein (Köln), Niedersachsen-Weser (Bremen-Hannover), Niedersachsen-Elbe (Hamburg), Brandenburg (Berlin), Pommern (Stettin), Ostpreussen (Königsberg), Schlesien (Breslau) - 'Die regionale Gliederung Deutschlands nach Wirtschafts- und Verkehrsgebieten' in *Erde und Wirtschaft*, Vol. II (1928), and *Deutschlands Neugliederung nach dem Frankfurter Entwurf* (Frankfurt, 1931).

<sup>3</sup> Op. cit., p. 26.

<sup>4</sup> J. B. Shannon, 'County Consolidation', *Annals of the American Academy of Political and Social Sciences*, Vol. 207 (January 1940), p. 167.

of the poor law unions after 1834 shows yet another example of this recognition of the focal position of the market-town. With occasional exceptions (due generally to the existence of a special Act incorporation limited to a particular town) the market-town was selected as the centre of the union, and the union area was that from which the rural population came to market in the town.<sup>1</sup>

This approach to the problem of delimiting areas is important not only because it seeks, by having special regard to transport facilities, to make the centres of administration conveniently accessible, but also because there has been considerable demonstration that the zone for which the urban centre is the focus of communications constitutes, to some degree at least, a recognizable economic and social community of which the urban centre is the nucleus. As applied to rural areas, this was concisely expressed in 1912 by W. H. Wilson, when he defined the rural community as 'an area within a team haul of a trade centre'.<sup>2</sup> Considerable research has been done on this subject in the United States, and the zones of influence of urban centres of all grades have been mapped, from the great metropolitan cities to quite small country towns or villages. For instance, the influence of the metropolitan community has been shown to operate in varying degrees according to distance from the centre. Thus, apart from the continuous 'built-up' area itself, two zones of metropolitan influences may be defined:

(a) The 'metropolitan area' comprises 'the territory in which the daily economic and social activities of the local population are carried on through a common system of local institutions. It is essentially the commutation area of the central city and tends to correspond to the "built-up" area in which public services such as water, light, sanitation, and power become common problems'.<sup>3</sup>

(b) The 'trade area' which has been defined as 'the surrounding geographical territory economically tributary to a city and for which such city provides the chief market and financial centre'.<sup>4</sup> The mapping of these 'trade areas' and the necessary research into the whole problem of the influence of metropolitan centres has been stimulated

<sup>1</sup> Cf. Chapter II, *supra*.

<sup>2</sup> W. H. Wilson, *Evolution of the Country Community* (New York, 1912).

<sup>3</sup> It should be observed that where there are satellite centres serving as 'dormitories' for the city workers, this 'metropolitan area' will be in fact wider than the continuous 'built-up' area.

<sup>4</sup> U.S. Comptroller of Currency in 'U.S. Daily', January 3rd, 1931: Definitions cited from R. D. McKenzie, *The Metropolitan Community* (New York, 1933), p. 84.



by the practical demand for such information; for instance, newspapers published in the great centres wish to be able to assure their commercial advertisers that their readers in the surrounding areas come to the city and are thus able to buy the advertisers' goods; chambers of commerce desire to publicize the importance of their city as a trade centre and so on. Hence comprehensive surveys have been made by official bodies, particularly the Domestic Commerce Division of the Department of Commerce and commercial organizations such as the J. Walter Thompson Company or the International Magazine Company.<sup>1</sup> A thorough technique has been evolved for these surveys, with the object of mapping the 'service areas' of metropolitan cities. In 1930 the U.S. Census prepared a questionnaire, asking selected great centres to give information on the area covered by their 'telephone service, electric power service, retail store delivery service, commuting service, water service, gas service, newspaper delivery service, mail delivery, switching limits, sewer service, residential membership in social and athletic clubs, operation of local real estate companies, soliciting and collecting routes'.<sup>2</sup> But perhaps the most interesting technique is that of measuring metropolitan influence by newspaper circulation. An example of this is the survey carried out by R. E. Park and A. Newcomb in Chicago. Seven towns within forty miles of Chicago took over 40 per cent of their newspaper circulation from Chicago. But the proportion of Chicago newspapers to all newspapers sold in each town did not vary in accordance with the distance of the town from Chicago, but with the proportion of railway tickets to Chicago to the total number of tickets sold in that town. In other words, the significant area is that of 'commuting' since those who go regularly to Chicago acquire an interest in it which attracts them to its newspapers. Those smaller centres had their own newspapers, which circulated in the town and the immediately surrounding area, but not in the metropolitan centre. The whole area forms 'a complex of local trading centres, which are also local publishing centres, each encircled by an area in which its circulation dominates. The total circulation consumed by each small town is supplied by both the metropolis and the local trade centre,

<sup>1</sup> R. D. McKenzie, op. cit., p. 96. The Market Centre Guide prepared by the Editor and Publishing Co. Inc. is included in the *Overseas Reference Book of the U.S.A.* (London, 1944).

<sup>2</sup> U.S. Census 1930: Metropolitan Districts, p. 5. The maps prepared on the data proved too varied for Census use.

and the ratio supplied by each depends mainly on the distance of the town from its local trade centre. That is, the proportion of circulation from the local publishing centres declines for each town as its distance from the centres increases, and conversely the proportion of circulation from the metropolitan centre increases'. Thus around and in between the satellite centres, within a radius of fifty miles from the middle of Chicago, its newspapers dominate.<sup>1</sup>

As measured by newspaper circulation the area of one metropolis' influence is limited only by those of cities of similar size. Thus Boston's newspapers circulated all over New England, because of the lack of a comparable centre to compete with it there; on the other hand, the radii of influence of Pittsburgh, Philadelphia and even New York were restricted by their mutual proximity and competition. These facts were evident from a survey of 'Metropolitan Regions in the United States as defined by daily newspaper circulation' prepared for 1920 and 1929, by mapping the area of circulation of one morning newspaper in each of forty-one cities. 'In each of the 41 regions, the total morning circulation was compared with similar circulations of competing metropolitan centres in towns which took copies of newspapers from more than one centre. This procedure made it possible to draw a line around nearly all towns taking more than 50 per cent of their metropolitan circulation from each of the several centres. For Chicago, the boundary so determined circumscribes a region with an average radius of about 200 miles.'<sup>2</sup> The survey revealed cases of overlapping between metropolitan zones of some areas, especially in the mountains, outside any metropolitan zones, and of 'enclaves' of influence where the boundary between the zones was not readily definable.

The commercial and marketing areas that have been mapped show the zones of influence not only of the great metropolitan cities but also of the middle-sized urban centres. In 1920 the Marketing Division of the International Magazine Inc., in an attempt to simplify the task of retail selling to consumers, delimited the boundaries of 632 trading centres, on the basis of studies of population, geographical characteristics, sources of wealth, trade outlets and transport facilities. Another map of retail shopping areas was made by the J. Walter

<sup>1</sup> Park and Newcomb, Chapter VII in *The Metropolitan Community* by R. D. McKenzie (New York, 1933).

<sup>2</sup> Park and Newcomb, *op. cit.*, pp. 106-10; cf. especially Fig. 6 on p. 107.

Thompson Company, showing 683 retail shopping centres and zones, with another 642 sub-centres subordinate to them. The Domestic Commerce Division of the U.S. Department of Commerce has specialized in this kind of research and as examples of its work may be cited its list of 183 metropolitan and small city areas, based upon indices of geographic territory, freight rates, zones of truck delivery, data from salesmen and number of accounts in each county covered from 2303 cities.<sup>1</sup> Similar work by the Department of Commerce has been done for the trading areas of specific branches of commerce, e.g. the wholesale grocery areas (1938) or the wholesale dry goods trading areas (1941).<sup>2</sup> The 'Editor and Publisher Co., Market Guide lists over 1450 'key' trade centres and gives for each the approximate population and radius in miles of its zone of influence.<sup>3</sup> Thus the commercial and trading centre zones form, however defined, a sort of second layer of areas beneath and included in those of the metropolitan cities.

Yet a third level in the structure of American urban centres and their zones of influence can be seen in the studies that have been made of the rural community, conducted as part of a general analysis of rural sociology by such Universities as Cornell and Wisconsin. For instance in his book *The Social Anatomy of an Agricultural Community* (Madison, Wisconsin, 1915), C. J. Galpin 'literally invented a new method of community analysis. He quantified community relationships in such a way as to reveal the roles played by institutions and agencies in community life and structure . . . He delineated 12 "trade zones" in a Wisconsin county and demonstrated that surrounding each village or city centre there is an area or zone of land including farm homes that trade regularly at the centre. He then delineated the agency or institution operating zones within these

<sup>1</sup> H. W. Odum, *Southern Regions of the United States* (Chapel Hill, 1936), pp. 26-87.

<sup>2</sup> Cf. *Atlas of Wholesale Dry Goods Trading Centres*, U.S. Dept. of Commerce, Economic Series No. 12 (Washington, 1941). There were 184 wholesale grocery areas, but only 84 drug trade and 46 dry goods (wholesale) areas because 'the wholesale grocer, with a large number of retailers to serve, and with the need for reaching them quickly with food products purchased every day by the consumer, naturally operates over a more limited territory than the wholesale dry goods merchant'. The procedure adopted for compiling the maps was to obtain from the trade organization a list of 600 wholesalers; these were sent a questionnaire and asked to fill in their service areas on a map provided. When two centres were close together and their areas intermingled, they were shown as joint centres of a combined area.

<sup>3</sup> *Overseas Reference Book of the U.S.A.* (1944), London, *passim*.

trade areas: 11 banking zones, 7 local newspaper zones, 12 milk zones, 12 village church zones, 9 high school zones, 4 village library zones . . . He denoted this set of relationships and patterns as a "rurban" community'.<sup>1</sup> Since then, many examples of the 'rurban community' have been studied, perhaps the most widespread survey being that made by E. de S. Brunner and J. H. Kolb for the President's Research Committee on Recent Social Trends, this being based on a field study of changes between 1920 and 1930 in 26 counties and 140 agricultural villages in different parts of the United States; an 'agricultural village' was defined as a 'place of between 250 and 2500 population that is located in a strictly farming area and acts as a service station to the surrounding countryside'.<sup>2</sup> Thus the same principle of the service centre and its relation to the neighbouring territory which has been briefly mentioned in relation to the metropolis and the medium-sized town is now applied to rural centres; further, the relationships between the 'agricultural village' (which seems to be more akin to an English small market town, and often enjoys a separate administrative status) and the surrounding rural area are so close and complex that both together can in a definite sense be called a single community. With the object of measuring the area of 'country' dependent on each village, a study of areas for different types of service was made, based on a comparison of the area from which people living in the 'open country' depended on the village for education, trade, recreation and so on. The services studied were social (school, church, doctor), retail (groceries, clothing) and agricultural (poultry and egg marketing) with miscellaneous provision such as banks and garages. These naturally showed considerable variations in area, according to the number of centres which possessed any one of the different classes of institution.<sup>3</sup> These areas were combined, it being considered that 'in every region,

<sup>1</sup> Carl C. Taylor, 'Techniques of Community Study and Analysis as applied to Modern Civilized Societies' in *The Science of Man in World Crisis*, ed. by Ralph Linton (Columbia U.P., New York, 1945), pp. 427-8. This article gives a detailed bibliography on American rural sociology.

<sup>2</sup> E. de S. Brunner and J. H. Kolb, *Rural Social Trends* (New York, 1933), p. vii.

<sup>3</sup> Compare the figures for service areas in 1929 made from a study of 12 centres in Walworth County, Wisconsin: library 327.2 sq.m., milk marketing 385 sq.m., high school 335.2 sq.m., groceries 623.1 sq.m., churches 352 sq.m., dry goods 569.5 sq.m., banking 596.5 sq.m. Similarly in Otsego County, N.Y., there were in 1930 37 centres for groceries, work-clothes, car repairs, poultry and egg marketing, church and home bureau, but only 13 centres, with correspondingly wider areas for hardware, high school, lodge, physician (Brunner and Kolb, op. cit., pp. 97-9).

and by every method of study, the high school was the most important single factor gauging village-country relations and areas', and a table was prepared showing the 'modal' or average dependent territory for the different classes of 140 centres:

Region	'Modal' Community Area in sq. mls. in 1930			
	All Villages	Small Villages	Medium Villages	Large Villages
Middle Atlantic	50	43	46	87
South	108	77	111	146
Middle West	114	96	113	148
Far West	251	121	365	223 <sup>1</sup>

Finally, the survey revealed that between 1920 and 1930 the sense of 'rurban' community had increased, with a greater association between town and country, combining together for such public services as fire protection, and with overlapping membership of trade organizations (farmers joining the chamber of commerce and traders the farm bureau). This recognition of the importance of the local centre as the determinant of a community area and a consequent lowering of the emphasis on the difference between town and country has been reflected to some extent in proposals for the reorganization of local administrative areas in the U.S. Thus schemes for county consolidation sometimes indicate that transport facilities and marketing zones provide a more suitable basis for local government than the frequently arbitrary and geometrical layout of many counties,<sup>2</sup> and the consolidation of boroughs or cities with the surrounding 'towns' or townships in New England shows a similar recognition that a farming area and a city area can be brought together under one government, with the object of avoiding the overlapping and duplication of existing units.<sup>3</sup>

Compared with the volume of work done in the U.S.A. and elsewhere<sup>4</sup> on the relationships between service centres and their areas, the study of the question in Britain has not been extensive. This may

<sup>1</sup> Brunner and Kolb, op. cit., p. 95.

<sup>2</sup> Cf. J. B. Shannon, 'County Consolidation', *Annals of American Academy of Political and Social Sciences*, Vol. 207, January 1940, p. 167 sqq.

<sup>3</sup> See Max R. White, 'Town and City Consolidation in Connecticut', *American Political Science Review*, 1942, Vol. 36, pp. 492-502. The case of city-county consolidation is not quite similar, since this is usually only attempted when the two areas are more or less coterminous. See W. Anderson, *American City Government* (New York), 1928, pp. 801 sqq.

<sup>4</sup> E.g. in Germany: see W. Christaller, *Die Zentralen Orte in Süddeutschland* (Jena, 1933); O. Schlier, 'Die Zentralen Orte des Deutschen Reiches', *Zeitschrift des Gesellschaft für Erdkunde zu Berlin* (1937), pp. 161-70.

be due perhaps in part to the fact that owing to the smaller distances involved and the great density of the population, the factors involved become rather blurred and it is more difficult to distinguish the zones of influence of neighbouring centres. But from the geographical standpoint, there have been notable essays in the delimitation of the respective zones of influence of two regional centres (Leeds and Bradford),<sup>1</sup> and at the market-town level of the marketing areas of East Anglia;<sup>2</sup> a horizontal classification of urban centres into major and secondary cities, and below them, into towns and sub-towns, has been sketched, and this is apparently the first attempt to do this for the urban centres of England as a whole.<sup>3</sup> The needs of physical reconstruction have also provided two kinds of approach to the study of this problem. For the internal structure of conurbations a hierarchy of population units has been worked out, which is based on a neighbourhood unit, calculated on the population needed to maintain a primary school. Each of these units would have about 5,000-10,000 people, and would be combined so as to form a town or 'community' unit with 40,000-60,000; a large metropolitan district could be divided up between five or six such 'communities'.<sup>4</sup>

Secondly, in connection with schemes for physical planning and reconstruction, a number of studies have been made to determine the area served by the town for which the plan is being prepared. Thus, the Reconstruction Plan for Exeter contains a special survey made by the Geography Department of Exeter University College, showing the parishes which are dependent on Exeter for their regular and also for their more specialized wants<sup>5</sup> and a detailed survey of shopping and entertainment areas in Devon and Cornwall was subsequently published.<sup>6</sup> Finally, the West Midland Group in the Civic Survey

<sup>1</sup> R. E. Dickinson, 'The Regional Functions and Zones of Influence of Leeds and Bradford', *Geography*, September 1930, pp. 548-57.

<sup>2</sup> R. E. Dickinson, 'Distribution and Functions of Urban Settlements in East Anglia', *Geography*, 1932, pp. 19 sqq., 'The Markets and Market Area of Bury St. Edmunds', *Sociological Review* (1930), Vol. XXII, pp. 292 sqq.

<sup>3</sup> A. E. Smailes, 'The Urban Hierarchy in England and Wales', *Geography* (1944), pp. 40 sqq.

<sup>4</sup> See *Rebuilding Britain*, R.I.B.A. (London, 1943), pp. 30-5; *County of London Plan* by J. H. Forshaw and P. Abercrombie (London, 1943), p. 101, para. 404; *Greater London Plan 1944* by P. Abercrombie (London, 1945), pp. 113-21; C. B. Fawcett, *A Residential Unit for Town and Country Planning* (Univ. of London Press, 1944) *passim*.

<sup>5</sup> *Exeter Phoenix: A Plan for Rebuilding* by T. Sharp (London, 1946), pp. 51-3.

<sup>6</sup> University College of the South-West: *Devon and Cornwall: a Preliminary Survey* (Exeter, 1947).



of Worcester have shown the radius of influence of Worcester as county town or centre of an intermediate level,<sup>1</sup> and in the survey of Herefordshire, have analysed the social and economic structure of a rural county, with its division into definable social and economic zones, each dependent on its own local centre.<sup>2</sup>

It has however been suggested that English local government areas should be reorganized on the basis of the social and economic units discernible in the hierarchy of 'service' areas; such a reorganization would, it is urged, fuse the service centres with the areas they supply, and with whose interests they are closely linked. Thus H. J. E. Peake, in his proposals for 'The Regrouping of the Rural Population' suggested that the county areas should be divided into districts, each grouped around a market town. 'Such a district which might for administrative purposes include the urban area, would in most cases be about 80 square miles, or represented by a square with sides nine miles long.'<sup>3</sup> More generally, the use of the service and social areas for administrative reorganization has been advocated by R. E. Dickinson. 'Administrative areas, which are based upon the parishes and hundreds established many centuries past, and the poor law unions (now abolished) established before the advent of modern transport, bear no relation to the existing areas of economic orientation. Our present system of administrative areas needs drastic revision, and in its more rational reorganization the distinctive functions of, and the areas served by, urban settlements should be adopted as basic criteria.'<sup>4</sup> 'Such reorganization should be based upon a systematic survey of service and community areas. The actual areas served by hospitals, schools, cinemas, libraries, retail firms and wholesalers, etc., must be mapped. The adequacy of these services, with respect to the number of centres and their accessibility to the consumer must be based on quantitative criteria. Thus the ideal distribution of certain services, e.g. hospitals, libraries and schools, may be determined from the minimum number of service units

<sup>1</sup> *County Town: A Civic Survey for the Planning of Worcester* by J. Glaisyer, T. Brennan, W. Ritchie and P. Sargent Florence (London, 1946), pp. 117-34.

<sup>2</sup> *English County: A Planning Survey of Herefordshire* (London, 1946), pp. 191-235.

<sup>3</sup> H. J. E. Peake, 'The Regrouping of the Rural Population', *Geographical Teacher*, Vol. IX, pp. 71 sqq. See also 'Geographical Aspects of Administrative Areas', *Geography* (1930), pp. 535 sqq.

<sup>4</sup> R. E. Dickinson, 'Distribution and Functions of Urban Settlements in East Anglia', *Geography* (1932), pp. 30-1.

(bed, book, or pupil) which are necessary for the effective organization of each service — this in turn depending, among other things, on the total population of the central service town plus that of the area which surrounds it.<sup>1</sup>

Thus it is possible to set the principle of delimiting local administrative areas by reference to service centres alongside the other principles already described — the quantitative standard, geographical, economic or social factors. Against this background of general principles, the recent history of English local government areas shows only one instance of the conscious application of a set rule for the delimitation of areas; that was the adoption of market areas as the criterion by the Poor Law Commission in 1834 and the succeeding years. In general, the English practice was to build on the existing and historic areas of the county, the borough and the parish. There was, however, one qualifying principle: the interests of town and countryside were considered diverse and distinct, with the result that the urban centres were separated in their own administrative units wherever possible. It is not easy to point to a single document containing the principles governing the mapping of English local government areas, because they have never been as yet subjected to a single comprehensive measure of reorganization. The Boundary Commission established in 1945 have the task of a co-ordinated review, with the intention of an integrated recasting, if it proves necessary, and their Instructions contain a schedule of general principles, which list some of the factors which they should take into consideration.<sup>2</sup> It is possible to discern in some at least of these factors, the general principles already described in the survey of the methods on which local government areas can be delimited — in particular (a) 'Community of interest', (c) 'Economic and industrial characteristics', (e) 'Physical features' including 'means of communication and accessibility to administrative centres and centres of business and social life' and (f) 'Population — size, distribution and characteristics'.<sup>3</sup>

It is evident that in any general schemes of administrative areas the different principles already enumerated — which were treated

<sup>1</sup> R. E. Dickinson, 'Ecology' in *Physical Planning*, edited by I. R. McCallum (London, n.d.), p. 112.

<sup>2</sup> Cf. Chap. VI *supra* for full list.

<sup>3</sup> Local Government (Boundary Commission) Regulations, 1945 (dated November 15th, 1945), p. 3.

separately for the purpose of analysis — must be fused, and individual cases will call for the application of one, or another, or perhaps several in combination. But the consideration of these abstract principles by themselves is insufficient; they do not operate *in vacuo* but in relation to two sets of circumstances. First, the principles were specifically defined as those which in general are not dependent on the requirements of any particular local government service. But local government areas cannot be considered except as the areas over which local authorities exercise certain functions. Secondly, any set of areas for a particular country must be conditioned by the framework of the community structure of that country — its groupings of population, as manifested by the hierarchy of its service centres and the areas adopted by organizations, governmental or voluntary, which have tasks to fulfil analogous in nature and scale to those of local government. Accordingly, a review is required of the various requirements, in respect of areas, of the functions of local government (Chaps. X and XI) and also a comparison of existing local government areas with comparable administrative areas, both being set in the framework of the general community structure of England and Wales (Chap. XII).

## CHAPTER X

### THE AREA REQUIREMENTS OF THE DIFFERENT SERVICES

#### A. *Introductory*

THE different services performed by local authorities have each their special requirements which determine the suitability of the areas over which they operate. Some services require the provision of certain institutions or staff which cannot be economically provided unless they are guaranteed a minimum number of 'consumers'. Others are concerned with problems whose solution is dictated by the configuration of land, or similar geographical factors. Others, again, need a considerable and continuous tract of country in order to function to the best advantage. Yet others require above all a balance of different components in the area to be served. Finally, there will always be for any service certain considerations which are peculiar to it and derive from the special nature of the problem it is facing or the materials it employs. Any given service will, in the determination of the area most suitable for it, have to take into consideration the four general types of requirement, each in varying degree, as well as any special peculiarities of its own. Therefore, in order to give some idea of how these general factors work out in practice, a description will be given of the four common principles, illustrating each by reference to the service in relation to which its relevance seems most marked. The alternative method of taking each of the numerous services in turn and examining its specific requirements, has not been adopted because that would involve an inappropriate concentration on technical detail, and also a good deal of repetition, since certain of the principal requirements are common to many services; on the other hand, in using a particular service to illustrate the four general principles, reference will be made to any other particular factors peculiar to the problems of that service. Finally, it must be stressed that the identification of any service with one of the four general types of requirement is for purposes of analysis only, and it is realized that all of the four types of requirement are true of most of the services. Since the object of this study is to bring

out certain general problems in the relationship between administration and geography, illustrations have been taken from any service which has been entrusted to local government, although by the time this study is completed some of them may have passed beyond its control.

### *B. Population Requirements*

The idea of a 'human catchment area' or territory from which a particular service institution draws its consumers has come prominently into discussion in recent years. The catchment area of a primary school has been generally adopted as the criterion for planning the basic local unit in towns; the catchment areas of hospitals of different classes have been recommended as the best basis for the reorganization of the health services. This principle of a catchment area, with a number of consumers which can be measured according to the optimum size of the institutions involved — school, hospital or library — is evidently relevant to those services such as education, health and libraries where the provision of certain institutions is the dominant consideration. But the principle can be extended to other services, where it is mainly a question of personnel; thus, where specialized employments, from sanitary inspection to the analysis of food and drugs, are concerned it is possible to try and calculate what population is needed to give economic employment to a single official, trained for, and engaged upon, this special task. Further, even when the service is performed by a body of persons, as in the case of the police, it is feasible to work out the minimum size of force that can be efficiently and economically administered as a separate unit, and then to see what population would justify a force of such numbers.

It is, however, essential to stress one important qualification that conditions all these calculations. For any particular service there will be not a single catchment area but a hierarchy of areas, each corresponding to the different grades of institutions of the service. Thus there is in education, for instance, a catchment area for the primary school, for the secondary school and for the administration of technical and other special forms of education. In relation to any service it may be possible to distinguish three general levels of administration. The lowest level is that of the individual institutions (or officials) of which the service is composed; above this may come

an intermediate level (like that of the 'district executive' in education) at which routine administration is carried out; finally, there is the general area over which the service as a whole is administered and its general organization planned and laid down. It may not, of course, be possible to ascertain the population figures appropriate to each level of organization. But when making the statement that a certain figure of population constitutes the minimum for an area of administration for any given service, it should be clearly defined to what level of administration within that service the statement applies.

### (i) *Education*

For education, it is practicable to work out optimum sizes for different kinds of schools, and then calculate the average population required to produce the given number of pupils. For instance, a table prepared by the Ministry of Education to show the number of schools required for a new town with a population of 60,000 gives the following figures:

<i>Type of School</i>	<i>Pupils</i>	<i>Population</i>
Nursery School	40	2,500
Primary (Infant, 5-7)	175	5,000
Primary (Junior, 7-11)	280	5,000
Secondary, Modern (Boys)	450	20,000
Secondary, Modern (Girls)	450	20,000
Secondary, Technical	270	30,000
Secondary, Grammar (Boys)	360	60,000
Secondary, Grammar (Girls)	360	60,000
'County College'	270 (daily)	60,000
Technical College	—	60,000 <sup>1</sup>

Standard calculations of this nature depend on the assumption that all children of the ages eligible for public education will take advantage of it, and that there is a uniform ratio of pupils to population.<sup>2</sup>

The size of the primary school cannot, under present conditions, serve as a basis for calculating administrative areas, since the days of a one-school district are past. It is, however, of significance for

<sup>1</sup> *Greater London Plan, 1944* (H.M.S.O., 1945), p. 118. The figures are based on the assumption that there are fourteen pupils in each age or Youth Service group to a 1000 of the population, and, as regards the figures for secondary schools and county colleges, that the school-leaving age is 16.

<sup>2</sup> How far this ratio can vary is shown by a list of 'Excepted Districts' where there are such different ratios as at Chislehurst and Sidcup U.D. with 9438 on the elementary school rolls to a population of 27,156 and Brentford and Chiswick M.B. with 5489 on the elementary school rolls to a population of 63,217. (H. of C. Official Report, Fifth Series, Vol. 396, cols. 59-60.)



two reasons. Firstly, the primary school has been taken as the basis for working out the urban neighbourhood unit used for the physical replanning of large towns. 'If the planning of a neighbourhood unit could be based upon a population constituted so as to be an exact reproduction, according to social class and income, of the population as a whole, the best size would be either 5000 to contain one school for children aged 5-7 and one for children aged 8-11, or alternatively a population of 10,000 containing two of each such schools.'<sup>1</sup>

Secondly, when proposals are made for the replanning of the countryside that involve the creation of new villages, or the expansion of existing villages to a prescribed population, the criteria of village size is often based *inter alia* upon the population required to provide an adequate flow of pupils for a village school. Taking 25 to 30 as a reasonable number to form a class, and calculating that one-sixtieth of the population is in each one-year age group, the school with 25 to 30 children in each class represents a total population of from 1500 to 1800; with a range of 20 to 40 in a class, the corresponding population is from 1200 to 2400.<sup>2</sup> Alternatively, counting only the infants and juniors (5-11) and allowing one teacher to take two year-groups in a single class of about 17 pupils, this would give a minimum size of 50 pupils for the school. With 1937 figures of 14.7 per 1000 of the population in the 5 to 11 age-groups, 570 is the total population; if the rate were to fall to 11.1, then it would be 750, or if to 12.9, 650.<sup>3</sup>

Thus because of the significance — perhaps potential rather than actual — of neighbourhood units and new villages in the local government of town and countryside respectively, it can be said that the 'consumer' standards of even the individual primary schools are relevant to the problem of administrative areas. But it is at the secondary level that the question of the size of schools plays perhaps a dominant part in determining the size of the administrative unit. The Education Act of 1944 provided that schemes could be made in the areas of county local education authorities 'for partitioning the areas of authorities into such divisions as may be conducive to efficient and convenient administration and for constituting bodies of persons ('divisional executives') for the purpose of exercising on

<sup>1</sup> *Greater London Plan, 1944* (H.M.S.O., 1945), p. 114, quoting a report of the Ministry of Education.

<sup>2</sup> C. B. Fawcett, *A Residential Unit for Town and Country Planning* (1944).

<sup>3</sup> Thomas Sharp, *The Anatomy of the Village* (1946), pp. 45-6.

behalf of the authorities in such of the divisions as may be specified in the schemes, such functions relating to primary and secondary education as may be so specified'.<sup>1</sup> The object of this delegation was to enable local education authorities, in counties or parts of counties where it might seem difficult to do so otherwise, 'to keep in close touch with local circumstances, and to secure fully the benefits of local knowledge and initiative'.<sup>2</sup> Further, it would be possible for existing Part III authorities to claim the status of district executives, and thus, though they would lose their independence in respect of primary education, they would continue to do much of the actual work, and in addition would gain for the first time delegated powers in the field of secondary education. The Act accordingly provided that any borough or urban district (whether previously a Part III authority or not) could apply to become an excepted district with the council acting as the divisional executive. To acquire this status the area had to have either a population of 60,000 or 7000 pupils on the public elementary school rolls in 1939, though the Minister was given power to accord this status to other boroughs or urban districts, if he were satisfied that special circumstances warranted it.<sup>3</sup> Apart from these figures for excepted districts, no population criteria have apparently been laid down for divisional executive areas as such. 'The Minister recommended county councils, in selecting areas where divisional executives should be established, to choose those which would provide a reasonable educational unit for primary and secondary education and promised, or offered, prospects of possessing before long a community of interest; it was not necessary for the whole of a county to be covered by divisional executives.'<sup>4</sup>

Thus the first operative criterion would seem to be the ability to provide for secondary education of all three types — modern, grammar and technical — and, in particular, that the area should contain a school population large enough to provide a suitable proportion of

<sup>1</sup> Education Act (1944), First Schedule, Part III, para. 2.

<sup>2</sup> 'A Guide to the Educational System of England and Wales' (H.M.S.O., 1945), para. 27.

<sup>3</sup> Education Act (1944), First Schedule, Part III, para. 4. Thirty-nine boroughs and urban districts applied to become excepted districts and were granted this status as they fulfilled either or both of the requirements (H. of C. Official Report, Fifth Series, Vol. 396, cols. 59-60); seven other boroughs or urban districts were granted the status by the Minister by reason of special circumstances. (H. of C. Official Report, Fifth Series, Vol. 408, cols. 971-4.)

<sup>4</sup> 'A Guide to the Educational System of England and Wales' (H.M.S.O., 1945), para. 28.

children to justify the establishment of grammar and technical schools. The table giving the schools needed for a population of 60,000 shows that this figure would apparently supply enough pupils to justify the provision of a self-contained secondary and primary school system; indeed, if the co-educational principle were adopted, on these figures 30,000 would apparently suffice. From the standpoint of the 'community' character of the area, the Warwickshire County Council 'felt bound to keep in mind certain conditions, apart from mere size and population which a divisional executive should satisfy. It should form a reasonable educational unit in a county system, justifying adequate provision of a variety of schools, especially at the secondary stage. It should be fairly compact, with a town of some size reasonably accessible from all parts of the area, and accessible to the inhabitants as a convenient administrative centre. It should, in fact, show centripetal rather than centrifugal tendencies'.<sup>1</sup> Although the divisional executive area is envisaged mainly for the administration of primary and secondary education, the Minister can permit the delegation to a district executive of powers in relation to further education.<sup>2</sup> In this connection it is of interest to note that a technical college is included in the table cited above, which gives the schools estimated for the requirements of a population of 60,000. The same list also mentions a 'county college' with 270 daily places for the same population. This is based on the assumption that the school-leaving age will have been raised to 18.<sup>3</sup> On the minimum size of a county college, the Ministry of Education states: 'Small units are relatively much more expensive and less efficient and they necessitate the use of part-time teachers, with a consequent waste of time and energy. A daily unit of 120, that is of 600 students a week, is the lowest which will allow of moderate efficiency, while it is clear that a larger unit is much to be preferred and in most areas this should be possible. Exceptionally, it may be necessary to establish colleges with a daily unit of 80.'<sup>4</sup> On the calculation that the school-leaving age is 15 and thus three

<sup>1</sup> See *Municipal Journal*, April 6th, 1945, p. 696.

<sup>2</sup> Education Act (1944), First Schedule, Part III, para. 9.

<sup>3</sup> Reckoning 14 in each year-group to a 1000 of the population, a population of 60,000 would give an annual county college entry of 840, divided into 5 groups each attending one day a week. A county college catering for a year and a half would need to provide over 250 places on any one of the five days of the week.

<sup>4</sup> 'Youth's Opportunity: Further Education in County Colleges' (H.M.S.O., 1945), para. 147.

year-groups will be at county colleges, a population of 15,000 would suffice to provide a daily unit of 600 at a county college. Thus 'in areas containing from 10,000 to 25,000 within a five-mile radius, a single non-residential college, whether combined or not with a community centre, should meet the needs . . . Areas containing from 25,000 to 50,000 within the five-mile radius, a figure that would produce about 400 students a day at the county college, could also be served by a single college . . . In areas containing appreciably more than 50,000 people within the radius mentioned more than one college will be needed.'<sup>1</sup> Hence any area containing between 30,000 and 60,000 population, and suitable for the administration of primary and secondary education, could be regarded as a possible unit for the administration of some forms of further education, or at least for the provision of county colleges.

On the other hand there may be some conflict between the population requirements and the need to give an area corresponding to some form of community its own divisional executive. The Norfolk Education Committee, for instance, 'accept the views of the Ministry of Education that a population substantially lower than 60,000 will not normally constitute a satisfactory educational unit, as a basis for a divisional executive, and that the area should possess sufficient community of interest, or should offer prospects of developing before long such community of interest. In a sparsely populated area, these two criteria may well work in opposing directions'.<sup>2</sup> This need to reconcile the two tendencies, and the consequent deviation from the standard figure of 60,000 is perhaps reflected in the fact that the divisional executives actually formed cater for areas with populations ranging from under 20,000 to over 100,000.<sup>3</sup>

While it is thus possible to fix the size of a divisional executive area by reference to certain population requirements, the necessary conditions for doing this are not apparent when it is a question of the area of the local education authority itself. This body has the duty of seeing that there is a full range of educational provision in its own area throughout the three stages of primary, secondary and further education. It must thus provide for all requisite forms of technical education and also for special schools for handicapped

<sup>1</sup> 'Youth's Opportunity: Further Education in County Colleges' (H.M.S.O., 1945), paras. 49-52.

<sup>2</sup> See *Municipal Journal*, March 9th, 1945, p. 459.

<sup>3</sup> *Times Educational Supplement*, August 17th, 1946, p. 389.

children (blind, deaf, physically and mentally defective children). Yet even if it is possible to measure the population needed to support the technical institutions, the variety is so great and the facilities for sharing certain specialized institutions between authorities so developed, that it is difficult to prescribe what institutions a self-contained authority must provide, especially as the demand for certain types of technical education is so restricted that only a few authorities can supply it. There is also another aspect of the area problem of a local education authority. It must be large enough to be a suitable unit for recruiting and employing teachers, and to maintain an adequate administrative staff; further, the larger and more diversified the area it covers, the wider will the cost of education be spread. With respect to all these points, it need only be said that for purposes like technical education, service of youth and the training of teachers a wide area has generally been thought desirable;<sup>1</sup> the 1944 Act provides for the constitution of a joint board where the Minister considers it necessary to combine the areas of two or more counties or county boroughs in order 'to diminish expense or increase efficiency'.<sup>2</sup> But even if a large area is needed for the planning of the service and the general arrangements for its operation, this does not prevent much smaller areas being utilized for the delegation of more detailed control.

## (ii) *Health Services*

The layout of administrative services for the health and hospital services can be planned 'according to the aggregations of population, the various kinds of health services required and available, taking into account travelling facilities and so forth'.<sup>3</sup> But bearing in mind the geographical considerations, and especially the need for varying the requirements of accessibility in accordance with the density of the population, it is also feasible to estimate the optimum sizes of areas by reference to the number of consumers each hospital or health institution requires for economic operation.

When considering medical services from this viewpoint, a grading

<sup>1</sup> E.g. The Hadow Report envisaged the possibility of the eventual establishment of a 'provincial authority', broader in the majority of cases than the geographical county. ('Report of the Consultative Committee on the Education of the Adolescent', H.M.S.O., 1926, paras. 191-2.)

<sup>2</sup> First Schedule, Part I, para. 1.

<sup>3</sup> Sir Arthur McNalty, *The Reform of the Public Health Services* (Oxford, 1943), p. 28.

of institutions (analogous to that for education) can be made. At least four levels can be distinguished. First, there is the individual general practitioner. Secondly, there is the grouping of practitioners; this is either for the purpose of estimating the size of a health centre, in which a number of doctors are accommodated for the purpose of group practice, or for the calculation of the population to be served by clinics or small hospitals of the 'cottage' type, which according to current schemes of organization are to be primarily staffed by general practitioners. Thirdly, there is the area to be served by the general hospital or 'district hospital' as it is often termed, or by a large 'health centre'. Fourthly, there is the concept of the hospital region, in which a system of general hospitals can be planned and organized and for which special hospitals for certain diseases can be provided.<sup>1</sup>

A standard scale for the domiciliary services was suggested in 1920 by the Welsh Consultative Council on Medical and Allied Services.<sup>2</sup> In urban areas there should be one general medical practitioner for 400 houses, and in rural areas one for 300 — or about 3 per 10,000 population. It was similarly calculated that every 3000 persons would need a registered nurse (apart from those employed in institutions), every 4000 a dentist,<sup>3</sup> and every 1500 a 'home help'; female health visitors for infant welfare and school medical work would be required at the rate of one per 1000 houses in the larger urban areas, or one per 500 to 750 in small towns and rural areas, reckoning apparently about 8 persons per house. The need for midwives was calculated by the number of annual births, one per 100 births in thickly populated areas, one per 80 births in medium areas, and one per 40-60 births in rural areas. The number of panel patients to a panel doctor in 1939 was about 900, and allowing for their dependants, the ratio of panel doctors to population would be about one to 2000. Similarly, Dr. Somerville Hastings has estimated that to provide a home doctor service for a population of about 100,000 some 40 or 50 general

<sup>1</sup> The general practitioner level has been included not because the individual doctor's area can serve as an independent administrative unit, but because it is difficult to calculate the size of the second grade except as an aggregation of doctors' units. The other three tiers were defined in 1920 in the Interim Report of the Consultative Council on Medical and Allied Services (Cmd. 693), in the Report of the Voluntary Hospitals Commission of the British Hospitals Association (April 1937) and in the different Regional Reports of the Ministry of Health Hospital Survey (1945), as well as in many other individual proposals.

<sup>2</sup> First Report, Cmd. 703.

<sup>3</sup> See also Report of Departmental Committee on the Dentists Act (Cmd. 33 of 1918).



practitioners would be needed.<sup>1</sup> Thus if the number of persons forming the 'catchment' quota for a single doctor be taken as between 2000 and 3000, this gives a figure on which can be based the number of population needed for the next level of medical service provision.

The second level of organization includes the centres for grouped medical practice by up to about 12 general practitioners. Thus the general practitioners 'should work in groups of from two or three to ten, depending on the density of the population'.<sup>2</sup> In rural areas, a single doctor or two might have to be given their own centre;<sup>3</sup> in mixed urban rural areas the figures would be 6 or 8, in purely urban areas 10-12.<sup>4</sup> Facilities provided by these centres would be consultation, minor surgery, small X-ray apparatus and a pathological room for simple diagnostic investigation; specialists could visit these centres, and other preventive and curative services (e.g. maternity and child welfare) could be carried out there.<sup>5</sup> On such a basis, the population needed to maintain a local centre for grouped medical practice might vary from 5000 to 10,000 in rural areas, or from 25,000 to 40,000 in urban areas. In this connection, it may be pointed out that the Peckham Experimental Health Centre originally served 650 families or 2860 individuals, but plans for permanent health centres on this model have been worked out for what are considered the optimum figures of 1000 families (4400 persons) served by 3 doctors, or 2000 families (8800 persons) served by 3 doctors, with 2 assistants.<sup>6</sup>

The small local hospital or 'cottage' hospital may also be considered at this level. The 1920 Interim Report of the Consultative Council on Medical and Allied Services envisaged 'primary health centres', providing medical, surgical and maternity beds, with out-patient and dental clinics, serving as the centre for the operation of certain communal health services (e.g. ambulances) and staffed by the local practitioners, with visiting consultants and specialists.<sup>7</sup> The 1937 British Hospitals Association Report defines a cottage hospital as one which 'makes partial provision only for patients, is staffed by

<sup>1</sup> Somerville Hastings, *The Hospital Services* (Fabian Research Series No. 59, 1941), p. 21.

<sup>2</sup> Somerville Hastings, *op. cit.*, p. 21.

<sup>3</sup> Sir Arthur McNalty, *Reform of the Public Health Services* (Oxford, 1943), p. 53.

<sup>4</sup> Draft Report of Medical Planning Commission, *British Medical Journal*, June 20th, 1942, p. 749.

<sup>5</sup> McNalty, *op. cit.*, p. 53; Somerville Hastings, *loc. cit.*

<sup>6</sup> *The Peckham Experiment*, by H. Innes Pearse and L. H. Crocker (1943).

<sup>7</sup> Cmd. 693, paras. 36-52.

all the local practitioners, has a small number of beds (less than 20 is not recommended) and is situated in a small town, in a village or in a country district'.<sup>1</sup> The plans drawn up in the Hospital Survey of the Ministry of Health show the small local hospital in the role of the general practitioner hospital 'provided with nursing facilities for the types of case which would normally remain in the charge of their own general practitioners. No provision should be made for surgical work save in exceptional circumstances, when transfer is impossible'.<sup>2</sup> The Hospital Survey for Berks., Bucks. and Oxon. Region, for instance, envisages in the rural areas a number of local cottage hospitals, with less than 50 beds, to which local health centres would be attached—7 in Berks., 8 in Bucks., and 8 in Oxfordshire, with village health centres subsidiary to them. The upper limit for these local hospitals is given as 100 beds in the Eastern Hospital Survey or 50 as in the Berks., Bucks. and Oxon. Survey; the lower limit might be the 20 beds mentioned by the British Hospitals Association report.<sup>3</sup> An idea of the population they are intended to serve can be gathered from a review of the Hospital Survey proposals, although this varies according to whether the area concerned is urban or rural, and also upon the detailed arrangements of each particular Survey's recommendations, as some schemes provide for a considerable number of subordinate general hospitals, thus reducing the need for the small local hospitals.

The local hospitals are apparently intended to function mainly in the rural areas, and thus in relating the number of them to the total population of the area served, it is necessary to exclude the population living in the urban centres. Thus, for instance, a rural area—Herefordshire—would have four cottage hospitals to a total population of about 110,000, or the Exeter hospital area with 471,000 population would have 16 local hospitals. A general appraisal of the schemes shows that the population in the rural areas to be served by the local hospitals varies from about 20,000 to 40,000 and the radius to be served by these local hospitals would be from 5 to 10 miles.<sup>4</sup>

<sup>1</sup> Report of the Voluntary Hospitals Commission, p. 25.

<sup>2</sup> Hospital Survey, Sheffield and East Midlands Region.

<sup>3</sup> *Op. cit.*, pp. 36 sqq.

<sup>4</sup> There are not many instances of schemes making provision for these local hospitals in purely urban areas. Where apparently this is done, the population served is, of course, much higher. Thus in the N.E. Survey Hospital District there would be 6 local hospitals for a population of 393,000, or in the Dartford Hospital District, 3 for 193,000—i.e. about 60,000 to a local hospital. (Home Counties' Hospital Survey, pp. 24 sqq.)

The next level is that of the district hospital 'which has complete provision for dealing with ordinary maladies, has a staff which may consist wholly or partly of general practitioners selected for their abilities in particular directions, has usually not less than 100 beds and is situated in, or near, a medium-sized town'.<sup>1</sup> The 'hospital district', or area served by such a hospital, is determined not merely by its size, but by geographical and economic considerations. Thus speaking of the North-West, the Regional Hospital Survey says: 'By "hospital district" we mean the area which is, or could conveniently be, served for what may be called "everyday purposes" by a single general hospital. The typical "hospital district" has a town of considerable size as its centre surrounded by a tract of mixed urban and rural territory of which it forms the natural centre. In the majority of districts, the central town (usually a county borough) accounts for less than half the population. Of course, there are considerable variations from the type: e.g. the "centre" may not actually be surrounded by the rest of the district, although it forms its focal point.'<sup>2</sup> Transport facilities are perhaps the most crucial factors in determining the flow of patients to a given hospital, and thus its 'catchment' area or 'gathering-ground' tends to approximate to that of the town in which the hospital is situated.<sup>3</sup> But it is still possible to discover what is considered the technically best size for this type of hospital, measured by the number of beds provided. The lower limit of 100 beds was set by the British Hospitals' Association Report, as also by the Eastern Regional Hospital Survey.<sup>4</sup> Dr. Somerville Hastings' figure is 500 to 1000 beds or at most 1200; 'a unit of anything up to this size has the advantage that it can be efficiently supervised by one medical or lay superintendent'.<sup>5</sup> Similar figures of 400 to 1000 beds are given by both Sheffield<sup>6</sup> and Home Counties Regional Hospital Surveys, the latter mentioning 800 beds as the probable optimum figure.<sup>7</sup> To calculate the size of population needed to justify the provision of this number of beds, two factors have to be taken into consideration. First, there is the required ratio of beds to be provided per head of the population; this needs classification according to

<sup>1</sup> British Hospitals' Association: Report of the Voluntary Hospitals Commission (1937), pp. 24-5.

<sup>2</sup> North-Western Hospital Survey, paras. 118-19.

<sup>3</sup> See Berks., Bucks. and Oxon. Hospital Survey, p. 2.

<sup>4</sup> *The Hospital Services*, pp. 2, 7.

<sup>5</sup> *Op. cit.*, p. 58.

<sup>6</sup> *Op. cit.*

<sup>7</sup> *Op. cit.*, p. 27. The N.E. Hospital Survey mentions 600-800 beds for a District Hospital (p. 14).

different kinds of case — acute, chronic, maternity — and standards may also vary in different types of area. The second point is how broadly the functions of a 'general' hospital should be defined, since the wider the provision it makes the higher will be the ratio of beds to the population it has to furnish. Without entering into the technical problems of hospital administration, a summary of some of the expert conclusions can be given. For instance, the Eastern Regional Hospital Survey estimates are that each 1000 of the population needs 3.5 beds for acute cases and 2 for chronic cases, with 0.5 to 1 for infectious diseases;<sup>1</sup> the Sheffield Regional Survey figures are 4.5 for acute cases, 2.3 for chronic cases, 0.4 for maternity, and 0.8 for infectious diseases.<sup>2</sup> The total standard of provision in a general hospital will depend on how far it is considered advisable to group provision for a varying range of ailments. Thus Dr. Somerville Hastings considers the large general hospital should contain wards 'for medical, surgical and maternity cases and most affections requiring institutional care, except tuberculosis, acute infectious fevers and declared mental diseases (each of which may be a source of danger to others besides those directly involved).'<sup>3</sup> With this wide range for a general hospital, units of 100,000 population could support a large general hospital of 600 to 1000 beds.<sup>4</sup> Similarly, the Labour Party proposals for a 'National Service for Health' considered that a population of 100,000 would be generally adequate for supplying patients to 1000 beds in divisional hospitals, equipped for all purposes except infectious and certain mental diseases. Similarly the Home Counties Hospital Survey estimates that 100,000-200,000 population would support a district hospital (400-1000 beds, optimum 800).

The North Eastern Hospital Survey took a rather higher figure, suggesting that 'all-round hospital facilities need for their efficient functioning to be based on a population of the order of 200,000 or 250,000 as a minimum', but that this would have to be varied in accordance with local circumstances, especially in order to secure that 'any really large group of population should be able to get good hospital treatment locally'.<sup>5</sup> This principle of flexibility is expressed in the North Western Regional Survey. 'A hospital district should

<sup>1</sup> Loc. cit.

<sup>2</sup> Op. cit., p. 16.

<sup>3</sup> Op. cit., p. 7.

<sup>4</sup> Ibid., p. 21.

<sup>5</sup> Op. cit., p. 9. The population of the five Hospital Districts proposed by the North Eastern Survey were in fact 1,243,699, 357,590, 359,536, 169,985, 250,000, with a possibility of separate provision for the Hartlepoons with a population of 120,000.

have sufficient population to employ the commoner specialists and will thus have within itself the resources necessary to provide a fairly wide range of services. This raises the question of the minimum or optimum population of a hospital district. We started without preconceived notions as to what that population should be. In fact, it is not much use attempting to fix any figure, because one must take the population as one finds it and make the best of it. For example, the Furness area in North Lancashire is clearly marked out by geography as a hospital district, but has a population of only about 100,000, while the area which has Bolton as its natural centre has a population of nearly 550,000.<sup>1</sup> Taking the country and the Hospital Surveys as a whole, it may be said that the hospital districts marked out vary from about 100,000 to 400,000 in population, variations being generally due to the local density of population. Where the population to be included in a single unit is high, it is often broken up between a main or 'area' hospital and one or more 'district' hospitals, each catering for a part of the area, with a population of from 40,000 upwards, and relying on the area hospital for some at least of the consultant services.<sup>2</sup> Finally, the association of the term 'health centre' with the provision of certain health services at this level of organization should be noted. For instance, the Berks., Bucks. and Oxon. Survey envisages 'main health centres' in the four large urban centres of the Region.<sup>3</sup> This use of the term 'health centre' at this level is of course distinct from the local health centres or centres for group practice referred to at a lower grade of the organization.<sup>4</sup> It is in accord with the 1920 Consultative Council Interim Report which provides for 'primary health centres' in the suburbs, smaller towns and villages, with 'secondary health centres' in the larger towns, providing for specialized curative facilities, staffed by consultants and specialists, dental and communal health services.<sup>5</sup>

<sup>1</sup> Op. cit., para. 119.

<sup>2</sup> This practice of a double grading of general hospitals, at 'Area' and 'District' levels in some of the Surveys, makes it difficult to be too precise about the average size of the 'Hospital District' as such.

<sup>3</sup> Op. cit., pp. 36 sqq.

<sup>4</sup> For instance, the Medical Officer of Health for Manchester has recommended that each unit of 50,000 population should have one main health centre, and four subsidiary health centres, each of the latter serving 10,000 people. See *Municipal Journal*, October 22nd, 1943, p. 1412.

<sup>5</sup> Cmd. 693, paras. 53-73. The Gloucestershire scheme which worked on the same basis as this report, provided for a secondary centre for the whole County of Gloucester and 20 primary centres in 3 classes (ibid.).

The fourth level — of the 'hospital region' — comes into the discussion because it is felt that the individual hospital area is not adequate in itself for the planning and organization of a comprehensive health service. "The "hospital districts" are merely the areas that seem to be convenient and natural gathering grounds for the general hospitals, having regard to geography, communications and the social and commercial habits of the people. They are not intended to be administrative areas in the sense of being the areas of separate hospital authorities, for which purpose they are not suitable. To be able to provide a well-organized service, the administrative unit must be much larger' — to provide a 'pool' of hospital beds in several general hospitals, to permit experiment without extravagance, to supply an adequate staff of specialists, and to allow of the employment of technical and administrative staff.<sup>1</sup> This problem of the hospital region involves other factors — the provision of a key or central hospital for the region, its association with a university medical school, a degree of 'specialization' among the general hospitals of the region, and the provision of special services, such as treatment of tuberculosis<sup>2</sup> or cancer,<sup>3</sup> which require a large population to justify economic institutional provision. The population required to satisfy these requirements has been variously estimated. Thus the Medical Planning Commission of the B.M.A. suggested that a population of upwards of 500,000 might serve.<sup>4</sup> The principle of associating these regions each with a university medical school, so that each region should have a group of hospitals with a medical school and teaching hospital at its centre, reduces the number of regions and sends up their population to about two millions each.<sup>5</sup> A *Times* article suggested that such a figure would be too high, since even a population of one million would give 15,000 beds, a staff of 7500 and an annual budget of £3,000,000 to administer. 'It is agreed among hospital experts that a population of one million is adequate to support effectively all

<sup>1</sup> North West Regional Hospital Survey, paras. 1125 sqq.

<sup>2</sup> The number of T.B. beds needed per 1000 of the population has been estimated between 0.6 (Eastern Region Hospital Survey) and 1 (Sheffield), while the minimum size for a T.B. hospital has been put at 200 (West Midland).

<sup>3</sup> The Radium Commission recommended that an administrative area for cancer treatment should handle 1000 cases per annum, for which a population of over a million [would be required] ('Memorandum on Organization of Cancer Treatment', *B.M. Journal*, July 11th, 1942).

<sup>4</sup> See *B.M. Journal*, January 2nd, 1943, pp. 743-53.

<sup>5</sup> Cf. British Hospitals Association Memorandum on the Regionalization of Hospital Services. See *Times*, December 8th, 1941.



the necessary hospital medical services except a few of the rarer specialities such as neuro-surgery, plastic surgery and perhaps radio-therapy, for some of which not even a population of two million would suffice' and that one university medical school could be associated with two or more of these smaller regions.<sup>1</sup> The scheme finally adopted by the Ministry of Health, however, provides for only 12 regions in England and Wales; 4 in the Home Counties and Wessex comprise also a sector of London, and the other 8 are based on the University Medical Schools of Newcastle, Leeds, Sheffield, Cambridge, Oxford, Wales, Birmingham, Manchester and Liverpool.<sup>2</sup>

The optimum size for units of health administration has been studied in the U.S.A. and a brief reference to recent proposals made there may be of interest. The committee on local health units of the American Public Health Association suggests that a health unit should serve not less than 50,000 people all residing within 40 miles of the principal trading centre of the area. The committee stated that units of population smaller than this probably would find it difficult to support a full-time local health unit. To apply this standard to the U.S.A. as a whole, taking into consideration such factors as area, population, income, ratio of population to physicians and ratio of hospital beds per 1000 population, would suggest 1127 as the number of health units. Each would require a main health centre, and most also two subsidiary health centres. The American Public Health Association put the ratio of general hospital beds to population as 40 for a city of 20,000 people, 150 for a city of 50,000, and 350 to 400 for a city of 100,000.<sup>3</sup>

### (iii) *Libraries*

Like education and health services, the organization of a public library system can be planned according to the need for securing units of a minimum size. The initial criterion is the stock of books that the unit can provide, for if the book stock falls below a certain figure, it is unlikely that it will contain adequate diversity of reading to satisfy the reasonable requirements of an average set of readers,

<sup>1</sup> *Times*, July 12th, 1946.

<sup>2</sup> *Ibid.*, December 21st, 1946.

<sup>3</sup> H. F. Vaughan, 'Post War Planning for Health Administration in the U.S.A.'s *Municipal Journal*, February 9th, 1945, pp. 265-6. The desired ratio of hospital beds to population is given as 4.5 per 1000 in the National Resources Committee's 'Post War Plan and Programme' (H.M.S.O., 1944).

quite apart from any demand for books of a specialized or technical character. This criterion was applied by the Departmental Committee on Public Libraries, who, stated that 'libraries having a stock of books under 10,000 cannot meet the needs of all their readers'.<sup>1</sup> They also considered that, as the assumption that 10 per cent of the population become borrowers, the standard of provision should be 30 volumes per 1000 of the population;<sup>2</sup> on this basis, the minimum population of a library unit would be 30,000. Actually, the average standard of book provision for all library authorities in 1924 was 52.3, and on that basis, the minimum size for a unit would be brought down to a population of 20,000. It was this figure which the Departmental Committee adopted, and after a survey of the volumes in stock and expenditure of library authorities classified by population groups concluded that authorities with populations below 10,000 were unable to provide an efficient and economical library service. 'Heroic efforts have been made . . . but the economic factors are too strong.' As for the 10,000 to 20,000 population group, it contained some well-stocked libraries maintained at the cost of high rates, but the Committee felt that taken as a whole, this group also was 'one in which economic factors tend to be too strong to permit of the maintenance of an efficient library system'. On the other hand, in the group of 20,000 to 30,000, they did not think that economic factors would be too strongly opposed, and 'on the whole we consider that any town of over 20,000 inhabitants must be regarded as able to maintain a library in a reasonable state of efficiency'.<sup>3</sup>

This criterion, however, would suit a library system in which each urban area — county borough, non-county borough or urban district — was expected to provide its own more or less independent service. The issue is however now more complex. The development of the county library system, providing an integrated library service over comparatively wide areas, containing both urban and rural districts, and of the National Central Library, with the arrangements for co-operation and exchange of facilities between libraries, have diverted proposals for reorganization on to new lines.<sup>4</sup> The new library 'unit' would not be restricted to a single urban area, but would be large enough to provide a wide area with a comprehensive service. Such

<sup>1</sup> Cmd. 2868, para. 199.

<sup>2</sup> Ibid., para. 197.

<sup>3</sup> Ibid., para. 79.

<sup>4</sup> See L. R. McColvin, *The Public Library System of Great Britain*, Library Association.

units could not, of course, be absolutely self-contained, as there would always be need to obtain special or rare books from other systems on a co-operative basis. But 'to comprise a sufficient number of people, desirous of using libraries, to justify the provision within and by that area of the full normal range of book supply and related services' and 'to afford full useful occupation for the expert and specialized library personnel'<sup>1</sup> the population envisaged would far exceed a limit of 20,000. The Library Association proposals suggest a quarter of a million.<sup>2</sup> The McColvin proposals, on which the latter are broadly based, list 69 units in England outside the County of London, 9 in the County of London and 5 in Wales, with populations ranging from 220,000 to 1,620,000, though most are below 750,000.<sup>3</sup> It is true that these 'units' were delimited on a geographical basis, with particular reference to the areas served by communications radiating from the central town in each unit. But the existence of a minimum standard, necessary to justify a full general service as regards stock, staff and financial resources, acted as a check on the creation of smaller units which would otherwise have been geographically suitable.<sup>4</sup>

There is, however, even accepting the new trend towards larger and comprehensive units of library administration, a place for smaller units inside the system, in the different grades of 'branch' libraries. Thus there may be urban branches in towns, or 'district' branches in the rural or mixed urban-and-rural areas, situated in a medium or small town and serving also the surrounding countryside; the latter function is analogous to that of the larger district branches in some of the county library systems.<sup>5</sup> Herefordshire, for instance, where the county library system is highly developed, has five district libraries outside the county town, to serve a population of about 90,000.<sup>6</sup> As

<sup>1</sup> McColvin, *op. cit.*, p. 118.

<sup>2</sup> 'In general the population of the library area should lie between one-quarter and three-quarters of a million; in a limited number of cases local geographic or economic factors will necessitate a smaller or larger unit, but adequate financial resources must always be assumed' ('The Public Library Service' (1943), p. 7).

<sup>3</sup> McColvin, *op. cit.*, pp. 150-6.

<sup>4</sup> *Ibid.*, p. 133 note, 'we found a small number of good natural units which, when we came to calculate their requirements for minimum staffing and adequate service generally were found to be too small and had to be amalgamated with others. Such cases were Herefordshire, North West Wales, Westmorland'.

<sup>5</sup> These are situated in towns of from 3000 or so population upwards, and may also serve as a base for supplying the 'centres' in the surrounding villages. See Cmd. 2868, paras. 317-39; McColvin Report, pp. 23-7.

<sup>6</sup> *English County* (1946), p. 230.

regards urban areas, it has been calculated that 'where the population exceeds 50,000 branch libraries will normally be required for every additional 30,000 to 40,000 of population'.<sup>1</sup> Thus it can be seen that in broad outline, the 'catchment areas' for libraries can be worked out according to population in the same way as they can be for schools or hospitals — because of the fundamental similarity of the three services in that they are all based on the provision of certain institutions. The method is, however, also applicable in rather a different way to other services, when it is not so much the institution but the body of personnel which is the unit of calculation.

In the U.S.A. a National Resources Planning Board Report on 'Post-War Standards for Public Libraries' suggests that the minimum population for a library area should be 25,000, since the minimum annual income needed for an adequate library is \$25,000, and the minimum *per capita* expenditure \$1 (for reasonably good service \$1.50 and for 'superior' service \$2 would be required). In all, about a thousand library units (instead of the present 7500) would suffice. When the city has over 100,000 population, urban branch libraries should be provided for each 25,000-55,000 population living within a 1-1½ mile radius of the branch.<sup>2</sup>

#### (iv) *Police*

The problem of police areas does not involve so much the question of the area needed to maintain the individual policeman but rather that which will allow a body of personnel, or police force, large enough to be reasonably self-contained and operate as an 'economic' unit. The question of police force amalgamation has in fact been approached from many other standpoints. Thus the merger of the small borough forces in the county forces was advocated on the grounds of efficiency, because numerous boundaries were a hindrance to the detection and apprehension of criminals, to secure easier transfers and reinforcements of personnel against emergencies, and to give proper facilities for training; a larger area would also tend to remove the policeman from any injurious influence of a local character.<sup>3</sup> From the standpoint of economy, amalgamation would produce

<sup>1</sup> *Greater London Plan, 1944* (H.M.S.O. 1945), p. 120.

<sup>2</sup> See C. B. Joeckel in *Municipal Journal*, March 2nd, 1945, p. 415.

<sup>3</sup> Desborough Committee on the Police Services (1920), Second Report, para. 104; Select Committee on Police Forces Amalgamation (1932), paras. 11-20.

considerable savings of expense in cost of buildings and administration, and eliminate the work of having a borough police headquarters and a divisional station of the county police in the same town.<sup>1</sup> Many of the factors involved are not directly related to the problem of the optimum or minimum size of a police force. Nor were many of the arguments adduced against amalgamation. Thus it was urged that, in a borough force, the chief constable would be in close touch with both local needs and with other departments of local government and that the problems of urban police administration were so different from those of rural work that they could not be entrusted to a county force. Further, interchange and co-operative arrangements for such problems as training and reinforcement in case of emergency enabled small forces to continue to work efficiently, even if not sufficient in themselves for all purposes; if duplication of stations and establishments was to be avoided, it could be more logically achieved by putting under each borough force a sector of the surrounding county area.<sup>2</sup> In the present context, however, the question of direct interest is the limit of population below which the small forces should be merged. Yet even here, extraneous factors<sup>3</sup> have intervened; because of the distinction between county and non-county boroughs, although several county boroughs are less populous than non-county boroughs which have lost their forces, their special status has accorded them protection. Further, in calculating the limit for the retention of forces, attention has often been concentrated rather on the figures required

<sup>1</sup> Ibid., 'As matters stand today you find in most towns a Chief Constable and also a County Superintendent. The police work could be merged in one organization, thereby effecting economy and certainly uniformity.' Desborough Committee: Minutes of Evidence (West Riding County Superintendents), Q. 6094.

<sup>2</sup> For instance, in evidence to the 1932 Select Committee, it was suggested 'that in any scheme of police amalgamation and reorganization the merging of county urban areas within a reasonable radius of the boroughs is preferable and a practicable proposal which would secure a greater measure of efficient police work (Minutes of Evidence: Wilson, p. 217). E.g. Swansea could take in a very highly populated area around it. 'There is no reason why they should not take in the same area that they look after for fire brigade purposes. In Cardiff, for instance, I look after a radius of 10 miles in relation to fire brigade and ambulance purposes. If an order were made similar to the Electric Light Orders for a Fringe Order taking in those places, you would get a very much more efficient police system' (ibid., Wilson, Q. 608). It was similarly suggested that Chester could take a 'fringe' population of 18,000 (ibid., Mackay, p. 273) and Shrewsbury of 4500 (ibid., Stone, p. 278).

<sup>3</sup> A good example is the persistent objection of borough police personnel to merger in county forces because of the 'autocratic' power of the county chief constable. Borough police have an appeal on disciplinary issues to the watch committee but in county forces the chief constable's discretion is absolute. This point has been met in the 1946 Act by granting an appeal to the Home Secretary.

for county borough status than on one more directly related to the requirements of police administration.

The figure of population below which a borough should not be allowed to maintain a separate police force has been raised several times in the last hundred years. The County Police Act of 1840 provided machinery for the consolidation of borough with county forces, but a figure for compulsory amalgamation was not fixed till 1856, when it was laid down that a borough, with a population not exceeding 5000, which had not consolidated its police force with the county force should not receive the Treasury grant towards the maintenance of the force.<sup>1</sup> The Municipal Corporations Act of 1882 provided that when a Charter was granted to a new borough, a separate police force should not be authorized if the borough's population were less than 20,000.<sup>2</sup> The Local Government Act of 1888 compulsorily merged the police forces in boroughs of less than 10,000 population with the county forces.<sup>3</sup> However, in 1920, when the Desborough Committee reported, there were 30 forces in boroughs below 25,000 population and 28 in boroughs between 25,000 and 50,000. Twenty-one borough forces (and 3 county forces) had less than 25 men, 21 borough (and 4 county) forces between 25 and 50 men.<sup>4</sup> The Desborough Committee received in evidence varying suggestions as to what the lower limit for borough forces should be; these proposals came mainly from representatives of the county forces or from the Inspectors of Constabulary. Some figures were comparatively low, such as 40,000-50,000; others merely specified that only county boroughs should have their own forces, thus placing the line at about 50,000, since the population for county borough status had not yet been raised to 75,000, though there were a few county boroughs (like Canterbury) below 50,000; other figures were much higher, including 100,000, 200,000 and 250,000. The Desborough Committee stated that they would 'have been inclined to fix the limit for a separate police force to boroughs with about 100,000 population or upwards',<sup>5</sup> but in fact recommended only that non-county borough forces should be merged in the county forces.

<sup>1</sup> County and Borough Police Act, 1856.

<sup>2</sup> Municipal Corporations Act (1882), para. 215.

<sup>3</sup> Local Government Act (1888), para. 39. Only seven new borough police forces were formed between 1888 and 1932, six for county boroughs and one for the Borough of Hyde.

<sup>4</sup> Police Services Committee in the Second Report, p. 5 (1920).

<sup>5</sup> Second Report, para. 105.



The 1932 Select Committee on the Amalgamation of Police Forces found that there were 2 forces (1 county, 1 borough) serving less than 10,000 population, 11 (1 county, 10 borough) 10,000-20,000, 15 (1 county, 14 borough) 20,000-30,000 and 25 (4 county, 21 borough) 30,000-50,000; 14 forces (3 county, 11 borough) had less than 25 men, and 27 forces (5 county and 22 borough) between 25 and 50 men. Of the 121 borough forces, 49 were in non-county boroughs; of the 83 county boroughs, 3 were in the Metropolitan Police District and 8 policed by the county force under special arrangements. The Home Office, the County Councils Association and the Chief Constables of County Forces proposed to the Select Committee that borough forces below 75,000 should be merged. That would have eliminated 68 forces, 19 of them in county boroughs. But the Committee were 'not aware of any precedent for depriving a county borough, however small, of any powers, which it already possesses'.<sup>1</sup> The Committee considered, but rejected, the idea of empowering the Secretary of State to merge non-county borough forces below 50,000, and also of county forces below that figure. Instead, they limited their recommendations to the raising of the 10,000 limit, established in 1888, to 30,000; below this, no non-county borough (except Windsor) should be allowed to retain a separate force. Arrangements for merging county borough and small county forces should be encouraged by voluntary agreement.<sup>2</sup>

During the 1939-45 war, a number of police forces were fused for 'operational' reasons by the Home Secretary, acting under the Defence (Amalgamation of Police Forces) Regulations; thus 9 borough forces were incorporated in the County Force in Kent, 2 in Surrey, 1 in Wilts and 1 in Cornwall; in Sussex, 2 county and 4 borough forces were merged and in Hampshire, 2 county and 1 borough force.<sup>3</sup> The Police Act (1946) put into effect the Desborough Committee's recommendations, and provided for the abolition of all non-county borough forces from April 1st, 1947;<sup>4</sup> arrangements were also provided for the voluntary merger of county and county borough forces under a joint authority, with power to the Home Secretary, if the local authorities fail to agree, to make, after local inquiry by an

<sup>1</sup> Report, para. 43.

<sup>2</sup> Ibid., paras. 44-5.

<sup>3</sup> Report of H.M. Inspectors of Constabulary for 1945 (H. of C., 1945-46, No. 168), p. 12.

<sup>4</sup> Sec. 1. There were in 1945 47 non-county borough forces, 2 (Tiverton and Bridgwater) having disappeared since the Select Committee reported in 1932.

independent commissioner, a compulsory scheme of amalgamation, subject to the power of Parliament to annul it by negative resolution.<sup>1</sup> A proviso was added in the Committee stage that no county or county borough with a population of 100,000 or over should have its force compulsorily amalgamated with a county or county borough larger than itself.

Thus the statutory limit below which no non-county borough should have a separate police force has not been fixed by direct reference to any standard of capacity to maintain a self-contained independent force, or even to an arbitrary population figure, but to the distinction in legal status between county and non-county boroughs, which does not in itself represent any distinction in population or resources between the two kinds of borough. Even where a population figure has been mentioned, it was often chosen more with reference to the population required for county borough status than to ability to support a separate police force. Thus in the Home Office evidence to the 1932 Select Committee, the merger of forces in boroughs under 75,000 population was suggested:

- Q. 185 Mr. Dixon spoke of a number 75,000. Could you tell us why choose that particular figure and not say 60,000 or 55,000? Why that line? — It is partly because that is the limit of population which I understand a borough must have reached before it is any use to apply for county borough status. That is the consideration, and I am not sure that it is a very good one. I would have liked to have gone farther, but, as I have said just now, we tried to aim at a figure which had that amount of peg on which to hang it, and which would give due weight to the understandably very strong feelings against merger in some quarters.<sup>2</sup>

In the discussions on the 1946 Police Act, the proviso introduced in Committee guaranteeing counties and county boroughs against compulsory amalgamation with a larger area was limited to authorities with populations over 100,000 precisely because that figure was specified in the Boundary Commission's instructions as that below which they should not recommend the constitution of a new county borough; conversely, the amendment moved to lower the proviso

<sup>1</sup> Sections 2-4.

<sup>2</sup> Select Committee on Police Forces Amalgamation (1932), Mins. of Evidence: Dixon, Q. 185. The 1926 Local Government (County Boroughs and Adjustments) Act put the figure for county borough status up from 50,000 to 75,000.

limit so as to protect county boroughs of over 60,000 population was avowedly based on the Boundary Commission's instruction not to recommend the abolition of a county borough which had a population of over 60,000.<sup>1</sup>

It is not, of course, possible to minimize the importance of the distinction between county boroughs and non-county boroughs; apart from the question of prestige, the county boroughs are already exercising all local government powers, and to make a distinction in the case of police alone would seem illogical; further, the increasing trend towards the concentration of all major local government functions in the counties and county boroughs provides many analogies for the removal of powers from a non-county borough and their retention by a county borough which are both of the same size. Yet it may be of interest to try and get behind this distinction of legal status and see what evidence there is for fixing a population lower limit for a separate police force.<sup>2</sup> The type of criteria that can be taken into account are the minimum size of force necessary to employ a suitable person as chief constable, and to allow of adequate specialization among the members, and a reasonable margin of reserves for reliefs and emergencies. Working up from a small figure, the force below 25 men seems to be ruled out by general agreement. For instance, in his evidence to the 1932 Select Committee, Mr. Morley (Chief Constable of Durham) gave a specimen allocation of duties in a police force of 24 (1 chief constable, 1 inspector, 4 sergeants, 1 clerk, 1 detective, 16 constables) and showed that with 2 or 3 constables on rest-day and 13 on duty (3 for one day shift, 4 for the other day shift, and 6 for the night shift) there was no margin available for reserves. 'While this may be ample for normal conditions, it is quite clear that the force is unable to cope with any unusual disturbance or outbreak of crime.'<sup>3</sup> From the point of view of getting specialization on certain duties, especially detective work, a figure of 40 or 50 would probably be too small. 'My view as Secretary of

<sup>1</sup> See House of Commons Official Report, Fifth Series, Vol. 420, c. 1184, 1198.

<sup>2</sup> Official pronouncements on this subject have been very guarded. Speaking in the Police Forces (Amalgamation) Regulations Debate on October 14th, 1942, Mr. Herbert Morrison, then Home Secretary, said: 'I shall not define the small forces in numbers, because I do not want to get into the same kind of argument as was involved in the reference to 25 policemen, which was made earlier. I shall not get into that field, because if I do, I shall be lost' (House of Commons Official Report, Fifth Series, Vol. 383, c. 1729).

<sup>3</sup> Minutes of Evidence, p. 263.

State is that one cannot economically arrange for a sufficient number of specialist members in police forces which have no bigger size than that.<sup>1</sup>

For the question of a chief constable, it was suggested to the Desborough Committee by the Chief Constable of Newcastle, that 50 men was the smallest figure.<sup>2</sup> On the other hand, there seems to be considerable evidence tending towards the figure of 100 as being a workable size for a police force, although not necessarily the bare minimum. Allowing the ratio of one policeman to 700 or 800 population in towns and one to 1000 in rural areas, this would give a population of 80,000 or 100,000 as being capable of supporting an independent force. To quote just three examples of this line of thought — the Desborough Committee were informed by Captain Dennis Granville, Chief Constable of Dorsetshire, that a population of 80,000 or 100,000 would suffice; 'you get a big enough force to a population of 100,000 to work well' and the proportion should be 1 to 700 in urban or 1 to 1000 in rural areas.<sup>3</sup> In a statement submitted to the 1932 Select Committee, the County Councils' Association 'would have been inclined, were the division of the country into police areas now being considered for the first time, to suggest that a limit of 100,000 would be low enough for all practical purposes', though in order not to eliminate 'a large number of county and county borough authorities whose suitability in other respects, combined with their long experience of police administration, entitles them to more favourable treatment', they reduced the limit to 75,000, the figure required before a claim for county borough status.<sup>4</sup> In the 1946 debate, Mr. Osbert Peake said: 'I am of the opinion, and I do not speak without some little experience at the Home Office, that a force of 100 constables could be a highly efficient force. If the right hon. gentleman will permit some forces of the size of 80 or 100 constables to remain in being, he would not in any way be prejudicing the efficiency of the police.'<sup>5</sup> The figure of 100 men was frequently cited in the 1946 Police Bill Debates as a possible lower limit guaranteeing ability to maintain an adequate force. Yet even larger figures

<sup>1</sup> Mr. Chuter Ede in Standing Committee B (Police Bill), January 24th, 1946, Official Report, c. 14.

<sup>2</sup> Loc. cit., Wright, Q. 4201.

<sup>3</sup> Minutes of Evidence, Granville, QQ. 4981, 5170.

<sup>4</sup> Select Committee (1932); Minutes of Evidence, p. 244.

<sup>5</sup> Official Report, Fifth Series, Vol. 420, c. 1204.

have been considered to be the optimum by the Home Office. 'If the matter could be considered as *res integra*, a reasonable unit of administration for police purposes would be 250,000 population for counties and boroughs alike, with forces of say 250 men for counties and 300 in boroughs.'<sup>1</sup> 'If we were starting afresh . . . we should probably aim at units covering say a quarter of a million.'<sup>2</sup> To summarize then, the force below about 50 men seems ruled out, that of about 100 men might be held able to exist as a self-contained unit, while 250 men would certainly be an optimum (though not necessarily a maximum) size for a force; in terms of population (allowing 700 to 1000 population per constable, according to variations in the density of population), the respective populations would be 35,000-50,000, 70,000-100,000, or a quarter of a million.<sup>3</sup> Yet, in conclusion it must be stressed that in regard to police areas, it is not merely a question of the ability of any town or district to maintain a force; the very number of forces and isolation of urban areas in the middle of

<sup>1</sup> Royal Commission on Local Government; Minutes of Evidence: Dixon, M. 56,

p. 244.

<sup>2</sup> Select Committee on Police Force Amalgamation (1932); Minutes of Evidence: Dixon, Q. 2.

<sup>3</sup> The size of the divisions into which county forces are divided, each of which is generally under the charge of a superintendent, varies greatly. With the incorporation of the borough forces into the county forces, it becomes of special interest, and also since the police 'divisions' represent a grade within the police hierarchy of area perhaps comparable to that of a 'local' hospital in the health organization or the branch library within the library system. A Metropolitan Police division may comprise 1200 men under a superintendent, a division in a county borough 100 men and in a county force 20-40; even a subdivisional inspector in the Metropolis may be responsible for over 200 men. An analysis of the county divisional strengths given in Appendix 7 to the 1932 Select Committee's Report shows that of about 300 county police divisions, about 200 had between 20 and 60 men, 15 less than 20, and 45 (mainly in wholly urban areas of counties like Lancashire) between 60 and 100 men, and 15 over 100 men. From this it would appear that the average county police division contained 20 to 60 men, or a population of 20,000 to about 50,000 (the stronger divisions are more highly manned because they contain urban areas, and in these parts the one policeman to 700 population urban ratio will prevail rather than the one to 1000 rural ratio). The 1945 Report of H.M. Inspectors of Constabulary (House of Commons Paper 1945-46, No. 168, p. 20) gives the total 'authorized strength' of the 56 English and Welsh county forces as 22,830 including 385 superintendents. Assuming for the purposes of this illustration that headquarters staffs are not being considered and that each superintendent represents a police division, there would be just under 60 police officers to each superintendent; an analysis of the figures for 42 English county forces which employ superintendents shows that in 33 the ratio is between 1 to 20 and 1 to 60 per superintendent (4 have 20-29, 7 have 30-39, 13 have 40-49, 9 have 50-59), 7 have ratios of between 1 to 60 and 1 to 100, and 2 (Kent and Lancashire) have a ratio of over 1 to 100 (*ibid.*, pp. 16-20). The number of men to a superintendent does not, of course, represent the number in each division, but it gives a very rough idea of its size.

the counties may produce difficulties, and make it desirable to merge forces, even if, considered individually, the particular boroughs could afford to maintain independent forces. 'The root of the trouble is that the mere multiplication of forces, by the multiplication of separate units and the interposition of boundaries between them is inevitably a source of complication and weakness.'<sup>1</sup>

(v) *Other Services*

To conclude this review of the calculation of units of administration by reference to standards of population, it is to be remarked that many other services require a certain minimum population figure for the employment of an official or the provision of a building. As regards officials, for instance, the Incorporated Association of Rating and Valuation Officers point out that a rating area should be of adequate size 'to allow the authority to employ a whole-time qualified valuation officer to carry out the valuations without undue strain on its financial resources . . . It is considered that a normal minimum population for this purpose is 50,000'.<sup>2</sup> The population needed to provide adequate work for a sanitary inspector is, on the other hand, apparently much lower, since the Sanitary Inspectors' Association recommend that, apart from the chief sanitary inspector, there should be one sanitary inspector per 8000 of the population.<sup>3</sup> In services, where combination of appointments is common for small authorities, there is generally a population limit above which it is possible to get a higher degree of professional specialization. Thus between populations of 50,000 and 80,000 an area is large enough to employ a fully qualified and adequately remunerated engineer and surveyor, but small enough to require him to deal also with such subsidiary services as public cleansing, pleasure grounds, baths, fire brigade and housing. But above 150,000, the population is adequate to warrant the appointment of a separate chief officer for each of the

<sup>1</sup> Ibid., Sir Arthur Dixon, loc. cit., p. 194.

<sup>2</sup> I.A.R.V.O., Interim Report on Reconstruction (1943), p. 8. This statement is qualified by the fact that 'in some cases even a considerably lower population may be justified; in others it may be that population is not the best criterion, and that rateable value should be looked at. It may happen also in particular cases that a large area of comparatively sparse population and moderate rateable value would form an efficient unit having regard to geographical considerations and in the light of past experience'.

<sup>3</sup> 'Memorandum on Post-War Sanitary Administration'. See *Municipal Journal*, November 10th, 1944, p. 1951.



subsidiary services.<sup>1</sup> The same sort of calculations can be made for the provision of buildings. A population of 10,000 needs and can support a community centre, one of 12,000-15,000 a covered swimming bath, one of 20,000 an assembly hall.<sup>2</sup> In short, this form of criterion can be applied to practically every service, and whenever it is possible to speak of applying economies of large-scale management, there will be an optimum figure of population at which it is most desirable to organize units of the service, and minimum figures below which it is uneconomic to do so.<sup>3</sup> But these criteria are not the only ones in considering the layout of local government administrative units. Accessibility to the population and the problems of sparsely populated areas must be taken into account, as well as the requirements which are now to be considered — physiographic factors, continuity of area and balance of composition.

### C. *Physiographic Factors*

The areas for a certain group of local services are fundamentally determined by physiographic considerations. This is true firstly of those services which are conditioned by the configuration of land surface — water supply, sewerage and sewage disposal, land drainage. Secondly, another group of services are based on rivers — the prevention of river pollution, regulation of fisheries, control of inland navigation and again land drainage. All these services need to be operated on the basis of some sort of watershed area, but the size of this area may vary with the service; on the other hand, there are strong grounds for securing a co-ordinated control of some at least of these services by making a single authority in each watershed responsible for them.

<sup>1</sup> A. T. Wooler, 'Size of Area for Public Works Services', *Municipal Journal*, August 13th, 1943.

<sup>2</sup> See Ministry of Education Pamphlet 'Community Centres' (1944) and *Greater London Plan, 1944* (H.M.S.O. 1945), p. 120 for tables of requirements in respect of social centres, swimming baths, etc.

<sup>3</sup> For certain services, of course, the unit of calculation may not be that of population. Thus for electricity supply the McGowan Committee recommended the elimination of separate undertakings supplying less than 10,000,000 units a year (Report, para. 471). There were 419 out of 588 undertakings in 1937-38 below this figure. Similarly the Heywood Report on the Gas Industry (p. 17) estimated that 'it would appear that the minimum size of undertaking which could economically support the necessary technical staff is one with an output of not less than 1.25 million therms per annum. In 1944, 762 of the 959 gas-producing undertakings in Britain produced less than that figure (ibid., p. 16).

(i) *Water Supply*

'The dominating factor in the technology of water supply is the elementary phenomenon that water runs downhill. Consequently the basic unit of collection and supply, and the two are naturally connected, should be the geological unit in which the water is caught, and from which it can be made to flow down the valley.'<sup>1</sup> There are well over a thousand statutory water undertakings in England and Wales and about four-fifths are in the hands of local authorities.<sup>2</sup> If the commercial undertakers had adjusted their areas to fit in with the physiographic outline of the country, coincidence between a local authority's area and a watershed would be a rare accident. How then is this apparent contradiction surmounted?

The first answer is the use made in this field of joint authorities, of which there are about forty-eight. Just as local authorities can operate water-undertakings either under Local Act powers or under the general powers conferred by the Public Health Acts, so some of the joint bodies (15) are constituted under the general provisions for forming joint authorities, but the majority (33) are created by special Local Acts. These joint authorities vary in size from relatively small bodies like the Harrington and Distington Joint Water Committee supplying 6500 people to several bodies supplying over 100,000: e.g. Ashton-under-Lyne, Stalybridge and Dukinfield Joint Water Board (138,000), Fylde Water Board (220,000), Durham County Water Board (359,634), Irwell Valley Water Board (172,000), Pontypridd and Rhondda Joint Water Board (107,110), Rhymney Valley Water Board (113,000), Southport and District Water Board (113,800) or the Staffordshire Potteries Water Board. Some Boards supply directly to consumers only, others also give part of their supply in bulk to other undertakings; some joint boards give all their water in bulk to other undertakings, often their constituent members, to distribute, e.g. the Taf Fechan Water Supply Board or the Derwent Valley Water Board, which supplies four county boroughs and a county.<sup>3</sup>

<sup>1</sup> H. Finer, *Municipal Trading* (London, 1941), p. 233.

<sup>2</sup> *Ibid.*, p. 24. The third Report of the Central Advisory Water Committee (Cmd. 6465 of 1943), gives the total as 1169 undertakings (p. 14). There are 730 local authority undertakings, with 48 joint authorities; 173 commercial undertakings operate with, and 80 without, statutory powers (See evidence of Sir Gwilym Gibbon to Parliamentary Joint Committee on Water Resources and Supplies, July 11th, 1935).

<sup>3</sup> See *British Waterworks Directory*, 5th edition (1936), pp. 444-60, from which these figures are taken.

It is often, however, convenient to meet the lack of correspondence between local government and natural water supply areas by arranging for one authority to give a supply outside its own administrative area, either directly to the consumers or in bulk to another distributing authority. 'Very often the best course is not the formation of a joint board, but the supply of a neighbouring undertaking by a large undertaker. That is very often not only the most economic way of going about the business, but also far better administratively, as you have the whole business under one hat. The main local authorities are responsible bodies, and their liability to stand the racket of any deficiency is an added incentive to exercise care. That is very often the best way of dealing with the problem.'<sup>1</sup> The supplying authority may be a comparatively small urban authority, giving direct supply to consumers in a number of rural parishes, which form the 'fringe' of the town.<sup>2</sup> On the other hand, a large urban authority may draw its water from many miles away, and Parliament, when passing the necessary Local Act, usually stipulates that the areas through which the main pipeline passes shall have the right to be supplied from it. Supply in bulk by one statutory undertaker to another was made generally possible by the Supply of Water in Bulk Act (1934); previously arrangements could be made by getting a Local Act or, under the 1875 Public Health Act, one local authority was empowered to supply an adjacent local authority. Some water undertakings supply outside their area both directly and by means of bulk supply: thus Manchester supplies its own county borough area and those of 24 other local authorities directly, and gives bulk supplies to 3 county boroughs, 2 non-county boroughs, 9 urban districts, 7 rural districts and 2 companies.<sup>3</sup>

In so far as there has been movement towards the grouping of water-undertakings on the lines of physiographic regions, the object has not been (except in the case of the joint authorities previously mentioned) the direct carrying out of the functions of supply and distribution. The nine Regional Advisory Water Committees, voluntarily formed, have been engaged on the problems of acquiring information about sources of supply and planning the best use to which

<sup>1</sup> Joint Committee on Water Resources and Supplies: Evidence of Sir Gwilym Gibbon, Q. 63.

<sup>2</sup> E.g. Newbury supplies the borough area and nine rural parishes, cf. *British Waterworks Directory* (1936), p. 242.

<sup>3</sup> *British Waterworks Directory* (1936), p. 219.

they can be put. Though the official policy is to expand their numbers and extend their powers by giving them authority to require water undertakers to supply them with information and statistics, their functions would not go beyond, in the broader sense, 'planning' the water supply of their area, not carrying it out. 'Experience has shown that wherever there are large aggregations of population with common problems, there is need of a regional body which can estimate future requirements, advise the Minister and the undertakers as to the best means of marrying demand and available resources over a wide area, and foster joint action.'<sup>1</sup> By 1945 nine Regional Advisory Committees had been formed: South West Lancashire (including Liverpool, Birkenhead, Wallasey, Warrington, Wigan, etc.), North, Central and East Lancashire (e.g. Barrow, Blackburn, Bolton, Burnley, Manchester, Oldham, Preston, Rochdale, Salford), the West Riding (in three sub-regions), Cheshire and North West Derbyshire (including Birkenhead, Wallasey, Stockport), the Sherwood Area (Nottingham and part of Lincolnshire), the West Midlands (Warwickshire, Worcestershire and Staffordshire), Kent (excluding the M.W.B. area), East Sussex and the Isle of Wight — in all covering a population of 16 millions. Committees were also planned for the Greater London Area, North East England and South Wales.<sup>2</sup> Some authorities, like Birkenhead and Wallasey, are in two Regional Committees, and 'the general basis has been the closeness of connection between the various authorities bearing in mind their common interests in distribution and also their possible common interest in supply. In other words, we have tried to bring within a common ambit and consideration undertakers who are likely to have common interests either in distribution or supply . . . They tend also to form natural areas in two ways; first of all topographically, and also in the source from which the big ones draw most of their supplies'.<sup>3</sup> The statutory joint advisory water committees constituted under the Water Act of 1945 have duties including the survey and estimate of the water needs and resources of their area, the formulation of proposals for meeting these needs, including proposals for the joint use of sources of supply, advising undertakers and local authorities in the formulation of joint schemes of supply, and furnishing information to the Minister,

<sup>1</sup> *A National Water Policy* (Cmd. 6515), p. 10.

<sup>2</sup> Cmd. 6515, p. 11; *Municipal Year Book* (1946), p. 292.

<sup>3</sup> Joint Committee on Water Resources and Supplies: Evidence of Sir Gwilym Gibbon, QQ. 99-101.

undertakers and local authorities.<sup>1</sup> Yet while it is thus possible to collect information and plan water supply on the basis of watershed or geological areas, the framework of the existing system of supply and distribution undertakings could not be reorganized on such a basis; the lack of correspondence between existing administrative areas, and the natural water supply areas would continue to be surmounted by the devices of joint authorities, supply in bulk and supply outside an authority's administrative area.<sup>2</sup> Apart from the difficulties of reorganizing all authorities on a watershed basis, it would not be possible to get self-contained water areas. Certain great centres would continue to have to get their water supply long distances, outside their immediate watershed, as Manchester draws its water from the Lake District or Birmingham from mid-Wales. Yet to make the supply undertaking areas so large as to include both these centres and their sources of supply would result in unwieldy units, while the majority of towns would continue to draw their supplies from the neighbouring hills or even from quite local underground sources or from rivers. Water may also enter one catchment area from another by underground flow, if the 'gathering ground' area of the water undertaking does not correspond with the physiographic catchment in which it is situated.<sup>3</sup> Thus, although the watershed area conditions the supply and distribution of water, because water runs downhill, and care has to be taken to plan the best allocation of supplies to prevent duplication of pipelines, unnecessary pumping, etc., it does not follow that the watershed areas can be used as the administrative units for the organization of water undertakings.

(ii) *Sewerage and Sewage Disposal*

The second of the services conditioned by physiographic considerations is that of the drainage and disposal of sewage. 'Drainage by gravity is affected more by topographical features of a locality than is a piped water supply', is the view of the Institution of Sanitary Engineers, in their proposals on 'Post-War Sanitary Problems'.<sup>4</sup> From the area point of view, recent developments show two features.

<sup>1</sup> Water Act, 1945, para. 4.

<sup>2</sup> Powers in all these respects, including those of compulsion, are given to the Minister by sections 8-12 of the 1945 Water Act.

<sup>3</sup> L. B. Escritt in *Physical Planning* (London, n.d.), p. 235.

<sup>4</sup> Quoted in *Municipal Journal*, May 19th, 1944, p. 813.

First, the aim is set of getting the administrative areas for drainage to correspond to the natural contours of the landscape, so that sewage can run downhill, and pumping thus be avoided. The complementary feature is that the sewage disposal works should be as large as is possible, so as to enable it to be run with the maximum of economy, to provide the skilled specialist staff, and to include the most modern methods for treating sewage, which can often only be provided in a large-scale works. Thus, this field of sewage disposal, earlier regarded as one of the environmental health services that were certainly the function of the small local sanitary authority, is now being increasingly thought of in 'regional' terms, on a watershed basis. 'To most technical men of practical experience the logical outcome of the Government river boards policy<sup>1</sup> would be the creation of one or more regional sewage authorities within each watershed, who would control all sewage works in their drainage areas and be responsible to the river board for the satisfactory purification of sewage and trade elements discharged into the rivers and streams. The drainage areas of these regional authorities would vary greatly in size, depending on their population, for each region should have a sufficient rateable value to maintain adequate staff so that the design, administrative operation and research should be conducted by fully qualified men. This is perhaps the most important advantage of regionalization, for it is agreed that works of all sizes should have adequate technical advice and proper facilities for the operation and maintenance of the plant.'<sup>2</sup>

The way to regional provision for sewage disposal has been pointed by the existing joint authorities, of which there are about twenty-four; some operate plants owned by two or three neighbouring urban areas (e.g. Accrington and Church Outfall Sewerage Board; Haslingden, Rawtenstall and Bacup Sewerage Board, Stalybridge and Dukinfield Joint Sewerage Board); others cover a natural drainage area (e.g. Amman Valley Joint Sewerage Board, Darenth Valley Main Sewerage Board, Rhymney Valley Main Sewerage Board).<sup>3</sup> Probably the most famous example is the Birmingham, Tame and Rea District Drainage Board, embracing a natural watershed, and allowing a concentration of the sewage from a population of 1,265,000 in 7 sewage works in a valley

<sup>1</sup> Cf. *infra* and especially *A National Water Policy* (Cmd. 6515 of 1944), p. 22.

<sup>2</sup> John T. Thompson, 'Sewage Disposal' in *Municipal Year Book* (1946), p. 293.

<sup>3</sup> *Local Government Manual and Directory* (1946), pp. 827-9.



where previously 17 local authorities had operated 20 separate disposal works, involving in some cases the pumping of sewage, which could have drained by gravity into a neighbouring authority's works.<sup>1</sup> During the war years there have been several proposals for the further extension of joint sewerage schemes, and in speaking of two of these schemes — one for Bolton and district and the other for Burnley — the *Municipal Journal* said that 'they tend to confirm the idea that regionalism in sewage disposal may have a great vogue hereafter'.<sup>2</sup> Another method — analogous to the experience in water supply of overcoming the lack of correspondence between physiographic and local government boundaries — is for an authority, generally a large one, with its own sewage works, to allow neighbouring authorities in the same drainage area to send their sewage down into it; thus both the London County Council and Manchester allow neighbouring authorities to drain into their main sewage systems.

Two of the leading technical bodies in this field have adopted proposals for regional sewage disposal authorities. Thus in a 'Memorandum on Sewage Purification Services in relation to Post-War Planning', the Institute of Sewage Purification recommends that new 'regional' authorities should be charged with the design, construction and operation of all publicly owned sewage works in their respective catchment areas, and should be responsible to the appropriate rivers conservancy authority for the satisfactory purification of all polluting liquids arising therefrom; in rural areas, an authority might control several small works, in order to assure a service of adequately trained technicians. The authorities would be composed of representatives of local authorities in the area.<sup>3</sup> The Institution of Sanitary Engineers in their proposals on 'Post War Sanitary Problems' make similar provision for 'regional sewage authorities'.<sup>4</sup>

Although the pumping of sewage from one watershed to another is not technically difficult, it involves expense, the danger of the sewage being held up and turning septic, and the fact that, unlike the sewers themselves, the pumping plant cannot cope with any exceptionally large extra flow. Thus there are great disadvantages in having a big regional sewage works, to which sewage comes from

<sup>1</sup> See D. G. Bevan in *Municipal Journal*, November 24th, 1944, p. 2051.

<sup>2</sup> *Loc cit.*, May 19th, 1944, p. 801.

<sup>3</sup> See *Municipal Journal*, December 3rd, 1943, p. 1667.

<sup>4</sup> *Ibid.*, May 19th, 1944, pp. 813-15.

different watershed areas. There is a further limiting factor which, while not weakening the case for reorganizing sewerage areas on a physiographic basis, does restrict the size of areas that can be the result. Sewage should be submitted to treatment as soon as possible after it enters the sewers, 'as while fresh, it is most amenable to treatment, least liable to become offensive, and at the same time it has not lost as much of its manurial value as it would have done had it been stored without treatment for many hours.'<sup>1</sup> Secondly, after being a certain number of hours in the sewers, sewage becomes septic and highly objectionable; assuming that sewage should not be allowed to remain more than 12 hours before treatment, and that the probable average velocity of flow in a large system would not be more than  $4\frac{1}{2}$  feet per second, it has been calculated that no sewer length should be more than 30 or 40 miles.<sup>2</sup> Thirdly, when the gradient of a sewer is slight, as it may be at the upper end of a long valley, there is danger of the sewage silting up in the sewer. Thus even if the area feeding the regional sewage works is all in the same watershed system, and the sewage drains by gravity into the works, there will be a limit to the area that can be embraced in one administrative scheme. Hence, the sewerage experts tend to speak of the sewerage area as being a valley or two or more small valleys, and several of these sewerage areas would be comprised in one large river catchment area; on the other hand, in rural areas, although several separate works might be required for different small drainage areas, a common administrative unit should control and service them.

### (iii) *Land Drainage*

Land drainage for agricultural purposes and the maintenance of river works are directly associated. The drainage of fields or fens produces a flow of water which the river system has to carry off, and an increase in the rate of discharge down the tributaries and the main channel will necessitate river works, such as embankments, to prevent flooding.<sup>3</sup> On the other hand, the river system also has to take the water discharged from the urban areas in the upper part of the river basin, or from other sources not due to land drainage. Previously the unit of operation and charge for both drainage and river works was

<sup>1</sup> L. B. Escritt in *Physical Planning*, edited by I. R. M. McCallum (London, n.d.), p. 237.

<sup>2</sup> L. B. Escritt, *Regional Planning* (London, 1943), p. 124.

<sup>3</sup> See *Ibid.*, Chap. VIII.

the 'area of benefit'. This came from the application of the phrase in the 1531 Bill of Sewers — that the drainage works should be paid for 'after the rate of every person's portion, tenure or profit', and resulted in the 'area of benefit' being taken as the area actually liable to flooding. On this construction, the cost of works to prevent flooding would be paid for only by those areas which would otherwise have been flooded, irrespective of the fact that the water, whose discharge would cause the flood, was due to the action of persons outside the area of benefit. By the natural drainage of the 'upland' areas into the 'lowlands', the latter's problems were increased. In the nineteenth century there was a persistent trend to extend the area beyond the highest known point of flood level. For instance, in 1871 the Thames Valley Commissioners took the area to be rated to include a line five feet above highest known flood level. The 1918 Land Drainage Act gave the power of decision to the Ministry of Agriculture, which took a line eight feet above highest known flood level. The Royal Commission on Land Drainage in its report in 1927 drew attention to the need for taking the whole catchment area for purposes of both rating and administration; the principle of 'no benefit, no rate' excluded 28/29ths of the Avon catchment area or 20/21sts of the Stour catchment area from contribution to the necessary works. These the Commission divided into two — the 'internal drainage systems' of each lowland area and the main 'outfall works' into which the internal systems drained — i.e. a river running into a larger river or into the sea. The main outfall works were of common interest to all the inhabitants of the watershed, especially as the upland areas were responsible for sending down their water into the main river. The Royal Commission proposed that a catchment board should be established for each watershed, with power to levy a rate throughout, in order to maintain the main river channel, including the banks and the bed. For the drainage of the individual lowland areas, the principle of rating the area of benefit should be maintained, and their internal drainage boards should be retained and, where necessary, new ones constituted. But in the interests of the co-ordinated control of the flow of water in the catchment area the internal drainage boards of the lowland areas should be subject to the regulation of the main catchment board, which would be empowered to assist them financially if necessary; otherwise, for instance, an internal drainage board responsible for a tributary to the main river might

drain its own area efficiently but send down an amount of water into the main river, which could not receive it, with the result that the harm done to the watershed as a whole would be far greater than the benefit to the area drained.<sup>1</sup>

These principles were embodied in the 1930 Land Drainage Act, under which 53 catchment boards were set up covering most of the country;<sup>2</sup> internal drainage boards number 377, of which 22 are outside any statutory catchment area. The catchment board's membership is drawn from representatives of the counties and county boroughs in the area (not more than two-thirds) and from persons nominated by the Minister of Agriculture to represent the lowland areas under internal drainage boards.<sup>3</sup> The catchment boards draw their funds from precepts on the internal drainage boards and on the counties and county boroughs and also from Exchequer grants and agreed contributions from interested local authorities. The internal drainage boards are elected by the owners and occupiers of property in the area who are liable for the land drainage rate.

#### (iv) *River Services*

It will have been observed that in the original listing of the 'physiographic' services, land drainage was included first with those dominated by the lie of the land (the gravitational factor) and also with those associated with rivers. This is because, while the origin of the problem with which catchment boards have to deal — the drainage of the land — is bound up with considerations of slopes and levels, its principal effect is on the main river in each watershed. Thus in their functions, the catchment boards have to supervise the internal drainage boards, but most of their direct executive work is concerned with the main river in their catchment area — with the maintenance of its bed and banks, the improvement of works like embankments, and the construction of new works for the control of the river's flow. This role of the catchment board as a river authority is reflected in the definition of their areas, since when the Minister of Agriculture makes the order constituting the board, he must define

<sup>1</sup> See Sir George Courthope in House of Commons Official Report, Fifth Series, Vol. 240, c. 1005.

<sup>2</sup> The 1930 Act provided for forty-seven boards; some new ones have been formed and some of the original boards amalgamated.

<sup>3</sup> Catchment boards also contain one member directly nominated by the Minister, and in two cases (Yorkshire Ouse and Trent) two representatives of mining interests. See Central Advisory Water Committee's Third Report (Cmd. 6465), paras. 10-15.

the 'main river' including tributaries over which it is to have control.<sup>1</sup> In certain cases, a catchment board may be responsible for two rivers (e.g. Avon and Stour, Witham and Steeping) or for the rivers in a given area (e.g. Hampshire, Somerset Rivers Catchment Boards). Since then the catchment areas are based on main rivers, it is not surprising that their number (53) approximates to that of the forty-eight fishery boards under the 1923 Salmon and Freshwater Fisheries Act. These boards' areas usually embrace the whole of the watershed area of the river or rivers concerned, including tidal waters. This is the logical consequence of their powers for enforcing the Fisheries Act, issuing licences to fish, acquiring fisheries, fishing rights or establishments for the artificial propagation and rearing of fish, making by-laws to regulate fishing and, generally, to maintain, improve or develop the fisheries in their districts.<sup>2</sup> The correspondence in numbers between fishery and catchment boards is marked by the fact that in some cases (e.g. Dee, Great Ouse, Lee, Severn, Trent, Wye) their areas appear virtually to coincide. Among their duties, the fishery boards have that of preventing pollution, and this function is in the hands of many other authorities as well. Although the prevention of river pollution is associated with the course of a river and its tributaries in the same way as the work of catchment or fishery boards, it is in the power of not 48 or 53 authorities, corresponding to the 50-odd main catchment areas, but of over 1600 local authorities. This task was first entrusted by the River Pollution Prevention Act of 1876 to all sanitary authorities; the Act of 1888 gave concurrent powers (section 14) to county councils, and the powers may also be exercised by joint committees of local authorities. The powers of fishery boards under the 1923 Salmon and Freshwater Fisheries Act have already been mentioned, and, in addition, Local Acts have conferred powers on certain water undertakers to take action under the 1876 Act against those polluting rivers, and there is

<sup>1</sup> This stress on the 'main river' as the essential nucleus of the catchment board area can perhaps be seen from the attempt made during the debates on the 1930 Act to get the 700-year old Romney Denge Main Drain excluded from the provisions of the Act because there was no 'main river' in Romney Marsh. See House of Commons Official Report, Fifth Series, Vol. 242, c. 193.

<sup>2</sup> Membership of the fisheries boards comprises representatives of county councils, of licensed net fishermen and anglers, and all of a class of *ex officio* members (owners or occupiers of fisheries assessed to the general rate at gross annual value of £30, or owners of land of £100 annual value, having frontage of not less than a mile on the waters under the board's jurisdiction and having paid their licence duty for fishing during the previous season). See Cmd. 6465, paras. 16-18.

a similar power of dock and harbour authorities under the 1894 Merchant Shipping Act, to prosecute persons discharging polluting water into the harbours of tidal waters under their control. But, apart from the fishery boards, the only river pollution prevention authorities whose areas are specifically designed to cover the basin of a river as such, are the joint bodies, of which there are three — for the West Riding of Yorkshire, the River Dee and the Lancashire Rivers. The West Riding of Yorkshire Board was constituted by Provisional Order in 1893 and covers all non-tidal waters in the West Riding. As the Board's boundary follows that of the Administrative County, it includes the upper reaches of rivers which in fact drain into Lancashire, but only the lower reaches of rivers which drain into the West Riding; its members are appointed by the County Council and six county borough councils. The River Dee Joint Committee constituted by Provisional Order in 1932 covers all the non-tidal waters of the River Dee Catchment Board area, with members from the Cheshire, Denbigh, Flint, Merioneth and Salop County Councils, and the County Borough of Chester. The Lancashire Rivers Board was constituted by a Local Act in 1938 and was a combination of the two previously existing Joint Committees for River Pollution Prevention for the Irwell and Mersey and the Ribble. It covers the whole of Lancashire (except Liverpool, Bootle and Barrow County Boroughs) and the areas of Cheshire and North-West Derby that drain into the Upper Mersey, its membership comprising representatives of the Counties of Lancashire, Cheshire and Derbyshire and of fifteen county boroughs.<sup>1</sup> In addition, two bodies — the Thames Conservancy and the Lee Conservancy Boards — which exercise other functions as well — are responsible for the prevention of river pollution along the course of a river as a whole. Thus these two bodies and the three joint authorities represent (apart from the powers of fishery boards) the only concrete examples of fitting the area of the river pollution authority to the watershed area. Yet it has been most frequently pointed out that effective control cannot be secured until this is done. The crux of the river pollution prevention problem was set out in 1867 in the Third Report of the (Rawlinson) River Pollution Prevention Commission. 'In order to prevent the pollution and legally control the management of rivers, their basins or watersheds must be placed under supervision irrespective of any

<sup>1</sup> See Cmd. 6465, paras. 37-9.



arbitrary divisions of county, parish, township, parliamentary, municipal or Local Government Act boundaries, or, indeed, of any artificially established division. Running waters flow on from their source to the sea, and if the upland waters are polluted by town sewage, and by refuse discharged from manufactures, as in the West Riding of Yorkshire, the entire length of the river is necessarily polluted, and will require to be conserved or protected.<sup>1</sup> In other words, the river pollution authority cannot be held responsible for keeping any reach of a river free from pollution unless it has control over the reaches higher up, where the polluting matter is discharged into the river. This point was emphasized in several subsequent reports, notably those of the Royal Commission on Sewage Disposal,<sup>2</sup> the Royal Commission on Salmon Fisheries,<sup>3</sup> and the Joint Advisory Committee on River Pollution, who stated that 'for the prevention of pollution a body specially charged with the administration of the Acts and acting throughout the whole or the greater part of a river basin is far more effective than a body operating in a limited area and occupied with a large variety of other work'.<sup>4</sup>

#### (v) *Combination of Functions*

The progress achieved in giving each of these five services — water supply, sewerage, land drainage, fishery protection and river pollution prevention — individually its technically appropriate area, based on the physiographic structure of the country, does not cover the entire question. There is the further problem of whether some or all of these services do not need to be controlled on a unified basis and whether this requires that they employ the same administrative area and machinery. 'The view which has been advanced to us and with which we entirely concur is that the time has come for seriously considering not only the reduction of the number of bodies dealing with river pollution, but also the concentration of functions in relation to a river into one body for the whole of the river. At the present time, while there is a multiplicity of authorities with river pollution prevention powers in a river, there are also numerous other river functions (for example, drainage, fisheries, and navigation)

<sup>1</sup> Third Report (on Aire and Calder Rivers), p. liii.

<sup>2</sup> 1901-8, e.g., in its Fourth Report, 1904, para. 46.

<sup>3</sup> 1902. Report, pp. 62-3.

<sup>4</sup> First Report (1928).

sometimes overlapping and not infrequently conflicting, exercised independently by various bodies.<sup>1</sup>

This idea of having in each large watershed (or group of smaller watersheds) a single body responsible for the different services, each of which individually requires some sort of area based on physiographic factors, goes back at least to the 'sixties of the last century. A scheme for 'Watershed Boards' or 'Conservancy Boards for River Basins' was elaborated by Lord Robert Montagu in his paper appended to the Second Report of the Royal Sanitary Commission (1871) and, according to him, the suggestion for such watershed authorities, 'arose spontaneously during the investigations of the Sewage Committee which sat during the Session of 1864'.<sup>2</sup> There has, however, been considerable variation in the scope and number of different services which it has been thought possible to combine under a single body, operating within the framework of a single common area. Montagu's scheme apparently envisaged a single watershed board and a single administrative area for all the 'physiographic' and 'river' services, and he maintains that such boards 'could well superintend the water supply of their valley, the storing of waters, the irrigation of lands, the arterial drainage, the removal of sewage to the land, provisions against floods, the navigation and the fishing interest'. Lord Robert Montagu thought of these 'watershed parliaments' as subordinate legislative bodies, supervising and adjudicating between the local authorities in their watershed, and even exercising powers of local legislation by devolution from Parliament, and thus it is not surprising that he would have given them such wide functions. In general, however, schemes for grouping functions under watershed boards do not go beyond the related questions of pollution prevention, fishery protection and land drainage, with its consequent problem of river conservancy; water supply and sewerage with sewage disposal are not brought in except in so far as they affect the flow of water in the river (e.g. compensation water, trade effluents). Thus the Royal Commission on Sewage Disposal would have vested in local river boards powers to prevent pollution,<sup>3</sup> and the Royal Commission on Salmon Fisheries would have given the same boards the duty of protecting the fisheries.<sup>4</sup>

<sup>1</sup> Joint Advisory Committee on River Pollution, Third Report (1937), para. 25.

<sup>2</sup> See Chapter III *supra*.

<sup>3</sup> Third Report (1903), Fourth Report (1904).

<sup>4</sup> Report (1902), pp. 62-3.

There are two examples of existing bodies with such powers of co-ordinated control. The Thames Conservancy Board carries out the functions of a river pollution prevention authority, a catchment board, most of the duties of a fishery board, of an inland navigation authority and also powers to control the abstraction of water from the river; the same is true of the Lee Conservancy Board, except that there is a separate catchment board for the Lee, though its members are (apart from the addition of six nominees of the Minister and representatives of county councils) the same as those of the conservancy board and they share common offices and staff.

These three functions of pollution prevention, fishery protection and land drainage the Central Advisory Water Committee, in their Third Report, recommended should be combined in the hands of a single river board for each catchment or group of catchment areas; in certain cases it might also be desirable for them to take over the function of inland navigation authorities. In virtue of these functions, river boards would be directly concerned with the upkeep of the river as a whole — including the maintenance of its banks, bed and locks and the maintenance of its flow of water — including its purity. The boards should accordingly have the further right of consultation over proposals to abstract water from the river, and should have a general duty of conserving water in the river basin, including the obtaining of information on the flow of water in the rivers and streams under their control. Only by such a concentration of responsibilities would it be possible to get a co-ordination of the various river interests, and ensure that the requirements of all such interests were fully weighed when questions affecting the river were under review, so as to see that the river was used to the best advantage of all concerned.<sup>1</sup> It had been suggested to the Committee that there was a considerable conflict of interests between those at present exercising the functions to be combined under a single authority. Thus drainage authorities might be inclined to drain surplus water from the land without due regard to the need of conserving water for the purposes of water supply; the abstraction of water is an issue over which those charged with river conservancy and with water supply may be fundamentally opposed; a local authority which needs to discharge its sewage may take a very different view of the minimum standard of purity of river water to be maintained from that of a fishery board whose main

<sup>1</sup> Cmd. 6465, paras. 57-67.

concern is to protect the fisheries of the same river. The Central Advisory Water Committee considered, however, that these divergences had to be reconciled and that they could be reconciled by having a single body responsible for these functions. This would be facilitated by two factors. Firstly 'all river interests are concerned, to a greater or less extent, with the quantity of water for use, as measured by level, depth or rate of flow, and with its quality. Rivers used as sources of supply for domestic, agricultural and industrial purposes, and for fisheries must be protected from pollution as far as is practicable; and the water must be so conserved and its flow so regulated, that the quantity and quality do not fall below full requirements at any time. As part of the same problem, it may be necessary to protect land from flooding, to provide sufficient water in dry periods for the irrigation of agricultural land, to secure that there is sufficient water for abstraction for water supplies and that the quantity so abstracted, or the rate, at which the river is drained to the sea will permit of a sufficient flow for fisheries and navigation, and for the dilution of sewage and industrial effluents'.<sup>1</sup>

Looked at from this angle, it is seen that the differing water interests have at least certain objectives in common and from this comes the second factor. Experience had shown that in the case of those bodies like the Thames Conservancy, which did exercise the different functions, there had developed a co-ordinated policy, and the Central Advisory Water Committee predicted that the river boards they proposed, though composed of a diverse membership, representing Local Authorities, fishery interests, drainage interests, water undertakers, and industry, would develop a sense of common purpose and service covering all the needs of their river basin.<sup>2</sup> The proposals of the Committee were adopted in the Government White Paper on a National Water Policy (1944).<sup>3</sup> Apart from the Thames and Lee Conservancy areas, and certain parts of the country where a river board was not considered essential, the Committee proposed to divide the country up into twenty-nine areas, each covering one or more rivers, but excluding power over tidal waters, unless for pollution prevention in cases approved by the Minister of Health.<sup>4</sup> Reception of the proposals by other bodies was varied; the County Councils Association deprecated any change other than the merging of pollu-

<sup>1</sup> Cmd. 6465, para. 58.

<sup>2</sup> Cmd. 6515, p. 22.

<sup>3</sup> Ibid., paras. 82-3.

<sup>4</sup> Cmd. 6465, para. 74.

tion prevention authorities, the Catchment Boards Association considered the time not opportune for change, the National Association of Fishery Boards gave very moderate and highly qualified approval, and the Association of Municipal Corporations supported the principle of co-ordinating functions.<sup>1</sup> The river board areas would each include 'the whole network of streams and gathering grounds feeding the river' or rivers included; in order to produce adequate financial resources, both for the carrying out of works and for the employment of technical and scientific staff, two or more catchment board areas would, it was proposed, be joined to form a single river board area.<sup>2</sup> The river boards' proposals were echoed by two bodies concerned with technical aspects of local government engineering services, the Institute of Sewage Purification and the Institution of Sanitary Engineers.<sup>3</sup>

A review of the problems of those services whose areas are determined by physiographic factors, suggests three general conclusions.

First, that the areas they need do not coincide with those of existing administrative units for general local government purposes. It is, of course, difficult to say whether any system that may be adopted in the future would bring the two types of area into correspondence. In some cases this might be feasible; for instance, a glance at the map of river board areas prepared for the Central Advisory Water Committee's Third Report shows that some of these do correspond very roughly to a geographical county or pair of counties. But there will always be the cases of the catchment area of great rivers like the Severn, Trent or Thames which will cut across all other administrative areas, and it seems that if the technically best areas for the physiographic services are considered essential, then they will probably have to be drawn up on a basis differing from that which might be adopted for local government as a whole.

Secondly, all the physiographic services are linked together by their common concern with water, and because they are all influenced by the physical configuration of landscape. At the moment a multiplicity of bodies are charged with varying aspects of the control of

<sup>1</sup> See *Municipal Journal*, March 30th, 1945, p. 642.

<sup>2</sup> *Ibid.*, para. 68 and Appendix VII. For criticism of the demarcation of river boards areas in Lancashire, where more than the single river board proposed by the Central Advisory Committee were thought desirable, see *Municipal Journal*, March 30th, 1946, p. 642.

<sup>3</sup> See *Municipal Journal*, 1944, pp. 686, 813-15. River boards were set up, broadly on the lines described above, by the River Boards Act, 1948.

the water-cycle, and the water-cycle, with its continuous sequence from rainfall through water supply and river control to land drainage and sewerage, is the connecting link between them. All these services need to be considered in relation to one another as action taken in regard to one may have vital effects upon another.<sup>1</sup> The Institution of Sanitary Engineers consider that 'nothing short of complete reorganization of the means of controlling the water-cycle will achieve that efficiency in administration necessary to cope with the heavy demands on water supply and drainage which are inevitable in the post-war era'.<sup>2</sup>

Yet, thirdly, although these services are so interconnected, they do not all demand or allow of identical areas of administration. Taking as the norm the river board areas, which might serve for river pollution prevention, fishery protection and land drainage, there would be perhaps thirty of these, or more or less. Yet for water supply, a larger area still would be needed, especially as the planning of water supply and not its operation would seem to be in question. Even a whole watershed is not sufficient to contain the water resources adequate for some areas, and the fact that the regional functions are not of an executive character would make a very large area practicable; indeed, it might, and has, been argued that this function in relation to water supply should be handled on a national basis. On the other hand, for purposes of sewerage and sewage disposal, the river board type of area would be too large: it would need to be broken up into its component tributaries, smaller catchments and drainage areas, to provide areas for a 'regional' sewage disposal scheme. Thus it would appear that the physiographic areas, while they need areas that will not normally correspond to the general local government areas, and which should be such that co-ordination of the physiographic services is possible, cannot themselves all be fitted into a single area pattern.

<sup>1</sup> e.g. sewerage may pollute water supply; abstraction of water from a river may deplete its flow, land drainage increase it.

<sup>2</sup> 'Post-War Sanitary Engineering Problems', *Municipal Journal*, May 19th, 1944, p. 812.



## CHAPTER XI

### THE AREA REQUIREMENTS OF THE DIFFERENT SERVICES (*continued*)

#### A. *Need for a Continuous Area*

THE third main type of area requirement of local government services is that the area of administration should extend over a continuous tract of country, that it should not be broken up into strips or separate fragments by the interposition of the areas of other authorities, and, in particular that each area should embrace not only a centre but all the dependent territory that, in view of the particular conditions of the service, can be covered from that centre. It is apparent that it is not possible to illustrate such a principle in the same fairly concrete way that it is in the case of services needing specific population minima or a particular type of physiographic area. But two services — fire brigades and highways — may serve to show more clearly the nature of this principle, and then it will be possible to discuss two implications of this requirement for local government services in general.

#### (i) *Fire Services*

Among the various aspects of fire brigade administration, the particular feature to be singled out in this context is that equipment needed is expensive and requires at least a nucleus of trained personnel; in the case of small localities it is therefore uneconomic to provide, especially in view of the comparatively low value of the property to be protected. Conversely, a mobile fire-fighting appliance can cover a certain area outside the immediate neighbourhood of its station. It would therefore seem that the protection of rural areas could best be undertaken by brigades in neighbouring urban centres. But it must further be observed that once a fire has been started, it may extend to a degree beyond the capacity of an ordinary brigade. Yet since the chances of this happening are not great, and the incidence of serious fires in any one district not frequent, it would be equally uneconomic for any individual brigade to maintain a force

and equipment capable of meeting *any* conceivable emergency. The second inference is, therefore, that there should be arrangements for mutual aid and reinforcements between brigades in order to cover the possibilities of emergencies which would be beyond the resources of any one of them. Yet the administrative structure of local government upon which the fire protection service had to be based ran counter to both these requirements. Firstly, the fire brigade authorities were, broadly speaking, the urban authorities, county boroughs, non-county boroughs and certain populous parishes. Yet by the very fundamental nature of the area structure of English local government these urban authorities were administratively separated from the rural areas surrounding them. Secondly, the co-operation between brigades had to be between the brigades of the large urban authorities — mainly county boroughs — which were again separate from the counties in which they were geographically surrounded. Further, the counties were not (though they were in Scotland) fire brigade authorities. The difficulties caused by the structure were overcome by the use of the customary devices — the provision by one local authority of services outside its own administrative area and the making of agreements for mutual co-operation between authorities — though the operation of a joint service on a permanent basis by joint authorities was not a feature of fire protection. A review of these 'extra-constitutional' arrangements not only reveals the essential flexibility of the local government system, but also shows some of the inherent requirements of the service of fire protection, since it would only be to satisfy certain fairly manifest needs that local authorities would go to the trouble of seeking to obtain by arrangements outside the local government structure what they could not effect within it.

From this standpoint, there can be distinguished four phases in the recent history of fire brigades. The first comprises the latter half of the nineteenth century, during which fire brigades were provided on a systematic and organized basis, but were equipped only with horse-drawn vehicles and the 'steamer' was the most important and effective appliance. The organization of fire brigades during this period can be conveniently studied from the Report and Minutes of the Select Committee on Fire Brigades, under the chairmanship of Mr. Jesse Collings (1899-1900). The second phase is marked by the introduction of the internal combustion engine, and the motor fire

engine replaces the 'steamer' as the basic unit of fire fighting equipment. The Report and Minutes of the Royal Commission on Fire Brigades, under the chairmanship of Sir Perceval Lawrence, show the changes thus brought about from the situation as it had been in 1900. The third phase — overlapping in time with the second — is that of the co-operation between brigades by means of agreements — under schemes voluntary or compulsory — which was partly, at least, due to the prospect of large-scale attack from the air. The foretaste of this was experienced during the 1914-18 war, in the schemes made by the Home Office under D.O.R.A.; the issue was discussed in the 1923 Royal Commission Report, and the Report of the 1937 Departmental (Riverdale) Committee on Fire Brigade Services was mainly devoted to it. The principle of co-operation between independent authorities and the use of joint arrangements was given legislative expression in the 1938 Fire Brigades Act. The fourth phase is that of the National Fire Service, during which the exigencies of large-scale air attack rendered inevitable the organization of the Fire Service as a national 'fighting' service.

In the first phase, the 1900 Select Committee seem to have been generally satisfied with the system of provision, at any rate from the area standpoint, in urban areas; the difficulty was how to cover the rural areas.<sup>1</sup> The number of villages and small towns maintaining a brigade of any sort was small. For instance in Gloucestershire, out of 16 boroughs and urban districts and 240 parishes, only 11 boroughs and urban districts and 11 parishes maintained brigades — most of them voluntary and nearly all with less than fifteen men.<sup>2</sup> The majority of villages all over the country had to rely on a brigade in a neighbouring town. The general practice was for brigades in the main centres to go five or six miles outside their areas, though some, like Exeter, gave the Chief Officer discretion to go up to ten miles in particular instances.<sup>3</sup> In the case of the brigades in country towns, the rural population covered might well exceed that in the town itself. Thus, for example, the Alton (Hants) volunteer fire brigade protected a population of 5000 in the town and 15,000 in the surrounding

<sup>1</sup> Report, paras. 192 sqq.

<sup>2</sup> Select Committee Report Appendices, 24-5.

<sup>3</sup> One notable exception — a large brigade that refused to go outside the city boundary — was that of Bristol. This seems to have been a set principle with Bristol since in 1923 the Royal Commission Report showed that Bristol would not tender aid outside its boundary and that 'Bristol, like Asher of old, would be reluctant to emerge from its own breaches' (1923 Report, p. 242).

district;<sup>1</sup> the Bromyard volunteer brigade covered a population of 1600 in the Urban District and 8000 in the Rural District, the engines (one a 100 year-old manual and the other a 'more recent' manual), which were the property of the Bromyard Urban District Council, going out over a radius of 9-10 miles in a south-easterly direction to Cradley, 7 miles to the north, and 8 miles to the south-west;<sup>2</sup> between 1885 and 1891, the Bromyard brigade attended thirteen fires, twelve of them being in the Rural District and only one in the Urban District.<sup>3</sup> Many of the witnesses before the Select Committee considered that the way to provide efficient fire protection for rural areas was by an extension and systematic application of this principle, and that instead of a few small parishes struggling to maintain fire brigades of their own, the rural area 'should be joined to the nearest urban district, and that the urban district should be required to provide the necessary fire brigade for the outlying districts, it being entitled to make charges which could recoup it for extra expense'.<sup>4</sup> Each rural parish would thus rely on the nearest urban authority for aid in case of fire and would be expected or compelled to contribute to the cost of the urban brigade; it was thought by these witnesses feasible that a radius of five miles from the town could be covered in this way.<sup>5</sup> In their report, however, the Select Committee stressed the fact that promptitude in dealing with fires was essential, and that by delay the small fire was likely to become a serious one; and some small amount of equipment (buckets, ropes, ladders, etc.) should be on hand in every village, the arrangements being made under the supervision of the rural district council. It seems that the factor that weighed with the Select Committee was the limited radius of

<sup>1</sup> Select Committee Minutes of Evidence, Dyer, QQ. 2703 sqq. The brigade's charges for attending fires out of the town were: for use of the 'steamer', 5 gns.; for the manual, 3 gns.; for each horse, 10s. 6d.; for each driver, 5s.; for each fireman, 1s. per hour spent at the fire (*ibid.*, Dyer, Q. 2719).

<sup>2</sup> *Ibid.*, Cave, QQ. 4409 sqq.

<sup>3</sup> *Ibid.*, Cave, Q. 4437.

<sup>4</sup> *Ibid.*, Baker, Q. 3004.

<sup>5</sup> Report, pp. xx-xxi, paras. 1922 sqq. An example of the evidence is: Q. 4231: 'Your evidence seems to point to the creation of an area which should be the centre or unit on which the outlying places in rural districts should rely mainly in case of fire; what is your idea of the unit or centre? - I think the centre should be the urban district council and that the rural district council should contribute to the urban district council towards providing sufficient appliances to protect a certain area. I should say that a brigade could protect an area of five miles radius. I would rather make this point: instead of the parish councils contributing under the Parish Engines Act, as they do now, I should suggest that the rural district council should contribute for a certain number of parishes, so that the rural district should be protected.'

action of the horsed appliance, and the time taken first in getting news of the fire to the town, then in summoning the members of the brigade, and then in getting the engine to the scene of the fire.<sup>1</sup>

But in the second phase, with the coming of the motor engine, all this is changed. Dealing with rural areas, the Royal Commission in 1923 surveyed the same alternatives as the Select Committee — full protection by each local unit, however small, or co-operation and the provision of adequate forces by centrally placed urban authorities. 'At the beginning of the century, when the Select Committee reported, the former alternative may perhaps have been the only course open at the time. Now, however, that motor traction has been introduced and it is possible to take advantage of the high speed and wide range of the modern motor pump, it would be most wasteful and extravagant to attempt to make each locality self-supporting in respect of fire brigade equipment and staff . . . a brigade thus equipped can now provide normal protection over a radius of say up to eight miles, including, for example, a town of moderate size and surrounding rural areas, more effectively than a brigade equipped with only horse appliances could have protected an area of half the radius.' In emergencies, a motor engine could go up to twenty or thirty miles.<sup>2</sup>

The Royal Commission found a variety of arrangements whereby the local authority area structure was adjusted to the needs of fire protection. In a few cases (mainly in the London area) there were reciprocal arrangements between fire brigade authorities for mutual assistance. This type of arrangement could only be expected when a single urban area was divided between two or more local authorities with separate fire brigades (e.g. Brighton-Hove, Ramsgate-Margate-Broadstairs, Folkestone-Hythe).<sup>3</sup> A second type of arrangement was for one authority to maintain a brigade and enter a standing agreement to cover the area of another authority. Thus one authority in an urban area (e.g. Manchester) would cover a neighbouring authority of the same type, but smaller size (Salford); this was an arrangement

<sup>1</sup> 'Have you any recommendations which you would place before the Committee for dealing with fires in small places, villages and small towns? — Well, in my opinion, what should be is that each local authority should provide their own fire appliances . . . each parish council should provide their own — large and small.

<sup>2</sup> 'Then what would you recommend in the case of very small parishes? — Small manual engines or hand pumps . . . The secret of success in dealing with fire is getting on the spot almost at once. In the case of fires I go to, probably the fire has been burning an hour in these villages and we have had whole villages swept out' (ibid., Pett, QQ. 1657-61).

<sup>3</sup> Royal Commission Report, paras. 244, 246.

<sup>3</sup> Ibid., para. 247.

quite common in the Lancashire industrial conurbations.<sup>1</sup> The other version of this class of arrangement was the coverage of a rural area by an urban authority. The area covered would be within about a ten or fifteen mile radius from the town. If there were no other urban authority near, the rural area covered might be considerable; thus Grimsby undertook to cover two rural districts and would give aid if summoned to practically the whole of North East Lincolnshire. The agreements generally provided for the payment by the protected area of a standing retainer, calculated on the basis of a rate on the area covered, and sometimes also a charge for attendance at individual fires.<sup>2</sup> To quote two examples, Norwich, which protected about 40 neighbouring parishes with a 13 mile radius, received a standing charge of a  $\frac{1}{2}$ d. rate on the area protected, plus attendance charges, and Leicester, which covered 33 parishes in a 12 mile radius received from each parish 2s. per £100 of rateable value protected — a  $\frac{1}{4}$ d. rate.<sup>3</sup> In all, out of the 293 brigades with motor-pumps, 83 had these standing agreements. Finally, there was the third type of provision, when the rural area relied on a discretionary power of the brigade in the neighbouring town to answer a rural call, if satisfied that an attendance charge would be met. A few authorities, however — like Bristol — would under no circumstances leave their area, and indeed in the case of a small brigade with only one pump, this would be taking a risk, as it would leave the urban area unprotected.

These types of inter-authority arrangements showed a remarkable increase during the period of between the Reports of the Royal Commission in 1923 and the Riverdale Committee in 1935-36. The base — the number of brigades with motor appliances — rose from 293 to 770 for authorities other than parishes.<sup>4</sup> The number of mutual help arrangements for reciprocal aid between brigades involved 124 brigades of this total of 770. Secondly, 225 out of the 770 had agreements for protecting urban or rural territory outside their own areas. Thus in the urban areas of the country, 31 of the 78 Lancashire brigades, 20 of the 55 West Riding brigades, 10 of the 12 Nottinghamshire brigades had entered into such agreements. As regards the rural areas, not only had the number of brigades giving protection

<sup>1</sup> Royal Commission Report, para. 248.

<sup>2</sup> *Ibid.*, paras. 239, 249.

<sup>3</sup> *Ibid.*, paras. 250-2.

<sup>4</sup> County boroughs, non-county boroughs, urban districts, rural districts with urban powers; it was estimated that there were about 230 motor brigades maintained by parishes under their optional powers, making 1000 motor brigades in all.



outside their areas increased, but the radius covered had expanded. Leicester, previously covering 33 parishes, now covered 80 and several urban districts; Norwich which had previously covered 40, now covered 94 parishes. But it was considered necessary to extend these arrangements further and integrate them into a general scheme, providing that every area should have some authority statutorily responsible either for providing it with a brigade or for contracting with another authority to cover it, for providing brigades in those areas where there were no concentrations of population and no brigades, and for seeing that in the event of exceptional fires there would be a pre-arranged scheme for drawing reinforcements from a wide area.

The making of such schemes goes back to the 1914-18 war, where, under D.O.R.A. regulation 55B, the Home Secretary was empowered to constitute a special fire brigade area if he was 'satisfied as regards any area for the better protection of that area from fire . . . that the fire brigades in that area or any of them should be employed under single control'. By July 1918 schemes were in force for the North East, South West, West Midlands, North West and Metropolitan areas, each under a mobilizing officer (except the North West, which was divided into two divisions, each with a mobilizing officer); the areas were divided into districts, and the arrangements for mutual relief and the operational command in case of emergency were entrusted to a district officer.<sup>1</sup> This war-time scheme was taken into consideration by the Royal Commission, but the 'model area schemes' which they produced seem to have been designed for smaller areas, and to have been aimed at the primary problem of securing adequate coverage for ordinary fires, rather than to be directed to regional arrangements for inter-brigade relief arrangements to deal with exceptional emergencies. Thus one model scheme envisaged a single large urban authority with a population of 60,000 co-operating with a number of small urban authorities to provide for the protection of an area with a total population of some 360,000. The principal urban authority would directly maintain and pay for the main brigade, and also supervise fire protection throughout the area; the smaller urban authorities would maintain their own brigades and pay a  $\frac{1}{4}$ d. rate to the principal urban authority towards its brigade. The areas which did not maintain their own brigades would pay a  $\frac{1}{2}$ d.

<sup>1</sup> See Royal Commission Report, paras. 259 sqq.

rate, which would go mainly to the principal authorities, but a small part of which would be paid to the urban authorities maintaining small brigades. It would thus be possible for the main brigade to be reinforced, so as to provide a reserve capable of servicing the unprotected rural areas, and reinforcing the small urban brigades. A smaller model scheme envisaged a borough of 17,000 population, protecting a rural area of 26,000 population in return for a 2d. rate.<sup>1</sup> The aim of the Royal Commission was to get a number of strong brigades, based on existing urban brigades, and to this end they recommend that the urban authorities should continue to be the fire authorities; they rejected the idea of *ad hoc* fire authorities or making county councils the executive bodies, though the county council would be brought in to stimulate co-operation in schemes and in case of default. The rural district councils would have a statutory duty to see to the protection of their areas, though it was envisaged that this would probably be more effectively and economically done by arranging with a neighbouring urban authority for the services of their brigade rather than by the direct provision of a separate rural district brigade. The aim was always to get a number of strong urban brigades, and the contributions from rural areas would help to this end. This particular trend of development — the responsibility of all county boroughs and county districts for fire protection, the building up of strong urban brigades and the co-ordination of fire service arrangements by joint schemes — was also that of the Riverdale Committee Report (1935-36) and the Fire Brigades Act (1938). The latter made the county boroughs and county districts the statutory authorities, and, while vesting the powers previously exercised by parish authorities in the rural district councils, empowers the latter to fulfil their newly imposed statutory duty of securing fire protection for their area either by maintaining their own fire brigade or by entering into arrangements with neighbouring authorities.<sup>2</sup> A Fire Service Commission was to be appointed to report on the arrangements made for mutual assistance between authorities and, if necessary to frame schemes for co-ordination;<sup>3</sup> the Secretary of State was empowered, if satisfied after local inquiry that efficient fire services were not maintained in an area, to constitute for it a fire service board, which would prepare an area scheme to be carried

<sup>1</sup> Royal Commission Report, paras. 309 sqq.

<sup>2</sup> Sections 1, 6.

<sup>3</sup> *Ibid.*, Sections 8, 9.

out by the local authorities under its supervision, and to carry out their functions itself in case of default.<sup>1</sup>

The 1938 Act may be regarded as the culmination of a tendency to secure the provision of fire protection for the whole country and to arrange for co-ordination of fire services based upon the existing local government structure. Its objects were related more to the problem of securing protection for the local area — the town or group of neighbouring towns and their surrounding countryside — rather than to the more far-reaching problem of integration on a regional scale. The devices of co-operation and mutual arrangement, subject to national supervision and action in case of default, were naturally fitted to the context of peace-time working. But the 1939-45 war came so swiftly upon the passing of the 1938 Act, that the latter cannot be said to have had a chance to work in the conditions for which it was designed. The impact of wide-scale attack from the air and the expansion of the permanently employed whole-time fire personnel from 5000 to 128,000 converted fire-fighting into a great military operation, and the Fire Services (Emergency Provisions) Act of 1941 established the National Fire Service. Within this national framework, the fire service areas could be delimited on a functional basis, and some forty fire force areas in England and six in Scotland were formed, each of the civil defence regions being divided into three or four fire forces. Excluding the London civil defence region, there were twenty-nine fire force areas in England and three in Wales. Each comprised one or more counties, with parts of adjacent counties, the criterion being the operational requirements of the fire service. For instance, No. 15 included Berks., Bucks. and Oxon.; No. 23 Herefordshire, Western Warwickshire and South and Central Worcestershire. Others were based on the industrial conurbations (e.g. No. 26 on Liverpool, and No. 27 on Manchester).<sup>2</sup>

The post-war organization of the fire services presented considerable difficulty. Since the Government was pledged to hand back the fire services to local government, the operationally and technically suitable areas employed by the National Fire Service could only be retained under a grouping of local authorities into special joint fire authorities — unless, of course, local government areas were radically

<sup>1</sup> Ibid., Sections 11-13.

<sup>2</sup> The fire force areas, with the local authorities comprised in each, are set out in Home Office F.B. Memorandum, 53/1941, dated June 23rd, 1941.

reconstructed on the basis of considerations similar to those which governed the delimitation of fire force areas. The Local Authority associations opposed the creation of *ad hoc* authorities and called for the implementation of the 1938 Act. The A.M.C. proposed further that the Home Secretary should, in consultation with the associations of local authorities, fix areas in respect of which it was convenient to apply a scale of fire cover, equipment, etc., and that for each of these a joint planning committee, representative of the county boroughs and county districts, should be set up to submit to the Home Secretary a complete scheme for the fire protection of the area.<sup>1</sup> The Government decided to transfer the service back to local government, but not to the same authorities as before — the county councils (not county districts) and county boroughs. The Collings Committee rejected the county councils as fire authorities because in the days of horsed engines their areas were too large: both the Royal Commission and the Riverdale Committee did so also, because of the nature of county boundaries, especially in relation to the county boroughs, and because of the opposition evinced by the county districts.<sup>2</sup> The experiences of war-time and the N.F.S. made unlikely a return to the era of the very small brigade. In 1939, of the 1090 brigades, 610 contained no full-time personnel, and 209 up to 5 full-time personnel; of the 26 per cent (247) of the brigades, which were composed mainly of full-time personnel, 189 had less than 20, and only 58 over 20 men. The figures as regards pumps were equally revealing; 70 per cent (763 brigades) had two or less pumps, and only 3 per cent (33 brigades) more than 6 pumps.<sup>3</sup> Yet the problem was not one of size alone, that could be solved merely by transferring powers from the 1400 local authorities of the 1938 Acts to the 145 counties and county boroughs. In a conference with representatives of local authorities on post-war fire service organization, the then Home Secretary is reported to have said: 'The most serious difficulty was the unsuitability of (county and county borough) boundaries in

<sup>1</sup> For A.M.C. proposals see *Municipal Journal*, April 27th, 1945, p. 815; for C.C.A. proposals see *ibid.*, p. 846.

<sup>2</sup> Royal Commission report, para. 272; Riverdale Committee Report, paras. 48-51. Another reason was that the fire brigades were in many cases part of the police forces, relying on police personnel, and this, it was said, would make a transfer to the county awkward. Counties were, however, fire authorities in Scotland, and the 1938 Act required the separation of the fire brigade from the police within five years.

<sup>3</sup> See statement of Home Secretary reported in *Municipal Year Book* (1946), p. 428.

a good many cases for the creation of separate fire service units, e.g. Greater Birmingham, Liverpool, Manchester, Bristol, Greater London. Sprawling urban areas like these, possibly with some rural country added on, cutting across county boundaries, should preferably be dealt with as a whole for fire-fighting purposes. On the other hand, county boroughs like Leicester or Northampton, which were centrally situated in extensive rural and small urban district areas ought to play an integral part in the protection of those areas as a whole.<sup>1</sup>

This, then, is the crux of the area problem in relation to fire services — the need for a continuous area of operation, which is not affected by the local government areas framed in their existing boundaries. The size of the primary administrative unit is determined by the radius of action of the fire-fighting appliance; to limit it by the interposition of a local authority boundary is uneconomic. Similarly, there is need for arrangements whereby pumps from neighbouring areas can be brought to the aid of any brigade, in case of emergency; otherwise, each brigade would have to try and maintain a force capable of meeting any conceivable fire risk. Thirdly, if reinforcements are sent from one area to another, arrangements must be available for covering the area thus weakened in its fire-fighting forces from yet another source. To adapt the local authority structure to these requirements has been the task of fire authorities and the Home Office in the past half century, and the arrangements made — either by voluntary schemes for mutual aid, by arrangements for one authority to protect another,<sup>2</sup> or by the putting of the fire service on a national basis — are all evidence of these technical requirements of fire protection which cannot be satisfied by the general area structure in its existing form.

#### (ii) *Highways*

The development of areas of highway administration involves the principle of the continuous area, but in fact there has been a conflict between two tendencies. First, there has been the desire to secure larger areas of administration for main roads and especially to have one authority solely responsible for the whole of an important road

<sup>1</sup> See *Municipal Journal*, January 26th, 1941, p. 181.

<sup>2</sup> It is to be observed that joint authorities — the device previously noted in relation to other services — have not been made use of in fire protection, unless exceptionally in a scheme like that of the North Derbyshire Joint Committee.

or for a continuous and considerable stretch of it. On the other hand the economy of having all the roads in a given area under the same authority for maintenance and repair, and the disadvantage of having two separate sets of staff and plant responsible for different types of road in the same district has led to a demand for integration of highway maintenance on a local basis. If the small authorities were to retain the control of the minor roads, such integration could only be achieved at the cost of the other principle of having the whole of a main road under one authority.

The Local Government Act of 1888 made the county councils and county borough councils the authorities for main roads, and the 1894 Act made the non-county boroughs and urban and rural district councils the authorities for the other (i.e. 'district') roads. But under section 11 (2) of the 1888 Act, any borough or urban district council could 'claim to retain the powers and duties of maintaining and repairing a main road within the district of such authority, and thereupon they shall be entitled to retain the same, and for the purpose of maintenance, repair, improvement and enlargement of, and other dealings with such road, shall have the same powers and be subject to the same duties as if such road were an ordinary road vested in them (i.e. a district road) and the (county) council shall make to such authority an annual payment towards the cost of the maintenance and repair, and reasonable improvement connected with the maintenance and repair of such road'. Further, under section 11 (4) of the same Act, the county council could delegate the function of maintaining a main road to any district council; the idea was presumably to enable the county thus to make use of the district council's surveyor and staff and plant, which would have to be maintained in any case for the district's own 'district' roads; county councils were empowered (under section 11 (10) of the 1888 Act) to make contributions towards the cost of these district roads, and those in respect of which such contributions were made were termed secondary roads, being generally those which were of more than purely local interest. Thus the maintenance of main roads could be undertaken in any of three ways — directly by the county council, by delegation to urban districts or rural districts, or by urban authorities which had 'claimed'. Thus, in 1904, for instance, 16,810 miles of main road were administered directly by county councils (all but 370 miles of these roads were in rural districts), 1247 miles of main roads in urban and



6756 in rural districts were maintained by their district councils as delegates of the county council, and 2990 miles of main roads in urban areas were maintained by urban authorities which had 'claimed' under section 11 (2) of the 1888 Act.<sup>1</sup> It may be of interest to put concretely the difference between an urban authority which maintained its main roads as a 'claiming' authority, and one which did so merely as a delegate of the county council. Thus the County Surveyor of the West Riding told the 1904 Committee that in his County, 300 miles in urban areas were maintained under the 'claiming' system, and 651 by the districts as delegates of the County Council. "They act as our agents and they get 50 per cent for establishment charges. They are not like the authorities under section 11 (2) who think they can just spend what they like and present a bill, and in the event of any divergence of opinion say "Oh, we will go to the Local Government Board and will have the word 'reasonable' arbitrated upon." I will give you a case — Pontefract on the Wakefield road spent £460 on a very fine concreted footpath. They never asked us and never gave us notice. They did the work, and sent the bill in — and we have refused payment."<sup>2</sup> Yet while from the county point of view, the system of delegation, when the county had control of the work done by the district council, was preferred to the claiming system, where they merely had to meet the bill, many county councils preferred in turn the system of direct administration to delegation. For instance, E. P. Hooley, who was County Surveyor of Kesteven (where there was delegated administration) and also of Nottinghamshire (where there was the direct system) stated: 'From every point of view I prefer the system of direct control . . . without a contract with anybody for maintenance.'<sup>3</sup> On the other hand, the system of delegation was appreciated by the district councils, especially as the extra work involved — with the payment from the county council — allowed

<sup>1</sup> Departmental Committee on Highways (1904) Report, Appendix II, p. 153. A detailed survey by counties (*ibid.*, App. VI, p. 160), shows that 24 English counties maintained all main roads directly, 13 used delegation entirely for main roads, and 5 used both systems.

<sup>2</sup> *Ibid.*, Evidence of J. Vickers Edwards, Q. 600.

<sup>3</sup> *Ibid.*, E. P. Hooley, QQ. 380-2. This evidence is of particular interest as the witness was responsible in one county for the direct system and in another for the delegation system:

Q. 380 You have much more direct control in Notts., than in Lincolnshire over the roads; which system do you yourself prefer? — From every point of view, I prefer the system of direct control.

Q. 381 Direct control without contract with anybody? — Without a contract with

them to maintain more complete equipment and employ a better-paid surveyor than otherwise would have been possible.<sup>1</sup> Some at any rate of the county authorities found it quite workable, and pointed to the system as one which indirectly raised the standard of the district roads, since it brought the district surveyors under the influence of the county staff during their work on main roads: 'They are closely visited by our County Surveyor and they have to carry out the work exactly as laid down by us . . . we earmark the money to prevent them spending it in any other way, and I hold that our district surveyors (i.e. the County Surveyor's subordinates) in supervising the rural surveyors are really acting and have acted as technical instructors in road-making. The whole quality of not merely our

<sup>1</sup> Departmental Committee on Highways (1904) Report, e.g. Stallard, QQ. 1200 sqq.; Seymour Williams, QQ. 1296 sqq.

anybody for maintenance, but of course there have to be contracts for the supply of materials.

- Q. 382 But you have no system of contracting with anybody to keep a specified length of road in repair? - No, I think that would be fatal.
- Q. 383 You employ your own men direct? - Yes.
- Q. 384 You think the contract system is fatal? - Absolutely fatal.
- Q. 385 In what particulars? - In every particular. I can hardly tell you of one respect in which it is not fatal to good management.
- Q. 386 Even if you have careful inspection in order to see that contractors keep up to their work? - Yes, it is an impossibility to look after a contractor over a long road area in a satisfactory manner.
- Q. 387 Both systems are being tried under your management? - I have tried both.
- Q. 388 And you are convinced that under the system of direct control you get much better roads? - Yes, much better roads at much less cost. Otherwise there is continued fighting, which arises out of your relations with the rural authorities, whose ideas of proper maintenance of roads are different from yours; and indeed are likely to be so when one party is finding, and the other is spending the money.

I have had to write such letters to the rural authority that I have afterwards been almost ashamed to meet their surveyors, and the local surveyors have answered in a similar way (Q. 391).

This witness had had to get a stipulated cost agreed upon by both sides, instead of the previous system of expenditure by the rural district, followed by reimbursement by the county council (which took place with urban authorities under the 'claiming' system). 'It had been a sort of go-as-you-please formerly; they could put as many tons of material upon the roads as they pleased, or they might say they had done so . . . but the claim was sent in and paid.' Later 'I made an estimate as if I were going to maintain the road myself . . . and the local authority entered into contract with us to keep the roads right for the sum agreed upon' (QQ. 395-9).

The result was that the Notts. County Council eventually substituted direct control for delegation, reducing the cost from £21,976 to £14,841 per annum, and 'they have improved the roads, they have a system of management such as they never had before, and there has been sufficient money saved by the County Council to pay their education bill for the first time' (Q. 392).

main roads, but our secondary and district roads has of late years been enormously improved.<sup>1</sup>

The development of the internal combustion engine, however, made fundamental changes in the situation. It made necessary the system of 'classification' of roads later adopted by the Ministry of Transport, roads being graded as Class I, Class II or 'other', according to their traffic importance. Since the declaration of roads to be 'main' (i.e. county) roads was the prerogative of the county councils, and practice varied from county to county, the Ministry of Transport classification cut across the main-district classification; thus in 1927-28 there were 865 miles of Class I road which were district roads, not having been 'mained' by a county council; on the other hand 5129 main roads were 'unclassified' according to the Ministry of Transport's grading.<sup>2</sup> The proposals submitted by the Ministry of Transport to the Royal Commission on Local Government, adopted in principle by the Royal Commission, and — broadly speaking — incorporated in the Act of 1929, provided for the transfer of all roads in rural districts and 'classified' roads in urban districts to the county council. Rural districts thus ceased to be highway authorities; urban districts continued to be highway authorities in respect of the unclassified roads, which were intended to cover urban streets. On the other hand, as regards main roads, the principle of 'claiming', initiated by section 11 (2) of the 1888 Act was retained, but in this instance, the 1929 Act gave the right to claim to boroughs or urban districts with a population of over 20,000.<sup>3</sup> The county councils have the power to delegate the maintenance of main roads to any district councils, or of the rural unclassified roads to rural district councils, and against a refusal to delegate in the latter case, the rural district council has a right of appeal to the Minister of Transport.<sup>4</sup> Conversely, the urban authority may contract with the county council for the latter to maintain its urban unclassified roads.

The objective behind these changes may be regarded as threefold. First, there was the desire to put maintenance of important roads in

<sup>1</sup> Lancashire — *ibid.*, Hulton, Q. 230.

<sup>2</sup> The figures for 1928-29 of roads in England and Wales in counties (excluding county boroughs and the L.C.C. area) were:

<i>Mileage of All Roads</i>	<i>Class I</i>	<i>Class II</i>
'Main' 30,701.95	16,997.95	7,574.69
'District' 109,515.30	865.05	3,753.05

See R.C.L.G. Mins. of Evidence, IX, p. 1860.

<sup>3</sup> 1929 Act, sections 30-3.

<sup>4</sup> *Ibid.*, section 35.

the hands of larger authorities, because these could employ bigger and more competent staffs, more elaborate plant, their surveyors would have had wider experience, and so on. Speaking of the classified roads, the representative of the County Councils' Association said to the Royal Commission on Local Government: 'The mere fact that it is a classified road implies that it is a heavily trafficked road; it will have to be reconstructed, if that has not already been done, at great cost; it will have to be maintained, and it ought to be maintained, to a standard which is pretty uniform throughout the county for roads of that type . . . I do not think the smaller authorities can cope with the work because they cannot find the money, and the burden is so unequally distributed between the different county ratepayers.'<sup>1</sup> This leads to the second reason — the financial argument — the desire to spread the incidence of charge over the county as a whole. With regard to this even the Association of Municipal Corporations, who wanted the 'local' authorities to carry out the actual maintenance of the roads in question, agreed that 'main roads serve a very large area, and the financial effect of the service may need to be distributed over an extended area'.<sup>2</sup> The third reason was that responsibility for roads needed to be unified over a considerable distance, otherwise the authority responsible for a single Class I road would keep changing every few miles, and standards — such as width of carriageway — vary accordingly. 'The first requisite', stated the Ministry of Transport in 1928, 'from the point of view of economy and efficiency in highway administration, was that by some means or other a reduction should be effected in the number of highway authorities. Both on traffic grounds and as a further means of equalizing to some extent the burden of highway costs, it was desirable that the maintenance of all Class I and Class II roads (outside county boroughs) should be vested in county councils, so as to ensure the maintenance of the more important lines of communication should be a charge on the larger administrative units.'<sup>3</sup> The objectives of spreading the charge and getting the whole length of an important road under a single authority were furthered by the Trunk Roads Acts of 1936 and 1946 — since these made the Minister of Transport the highway authority in respect of the trunk roads concerned; they did not, however, give a larger unit

<sup>1</sup> R.C.L.G. Minutes of Evidence: Dent, QQ. 31,766-8.

<sup>2</sup> *Ibid.*, Jarratt, QQ. 33,266-7.

<sup>3</sup> *Ibid.*, Piggott, M. 1. (XII, p. 2289).

for the actual execution of the work, since that was carried out by the county councils as the delegates or agents of the Minister.<sup>1</sup> This was because the county councils would in any case have to employ highway staffs to maintain the county roads for which they were responsible, and for the Ministry of Transport to keep a separate establishment for trunk roads would be an unnecessary duplication. This question of avoiding needless duplication leads back to the other crucial principle, which needs to be set beside the trend to larger areas. It was upon such an argument of the evidence of duplication that the Rural District Councils' Association based — at least in part — their proposals to the Royal Commission on Local Government in 1928, that the rural districts should not only retain the authority for unclassified roads, but should exercise the powers of maintenance of main roads by delegation from the county council. 'Another important service in which co-operation between the county councils and rural districts would prove beneficial to the public is maintenance and repair of highways. Here we find two different authorities and two separate departments, each with their own staff and equipment, traversing the same area and doing similar work. There is duplication of plant, machinery and officers, which could easily be avoided with a little modification of the system. It is suggested that the district surveyor should be responsible for all the highways in his area, whether first-class, second-class or unclassified, and that the powers conferred on urban district councils by section 11 (2) of the Local Government Act of 1888 should now be conferred on all rural district councils also. So far as the main roads are concerned, the work of maintenance and repair would be carried out as hitherto under the supervision of the county surveyor and to the approval of the county council.'<sup>2</sup> To this the county councils could reply that unification of the kind desired could be achieved equally by taking the reverse step — vesting the administration of all roads in the county council, which would maintain them on the direct system. In fact, however, the claims of at least the urban authorities to maintain their own minor roads would be too strong, and a distinction between urban and rural districts in this

<sup>1</sup> Cf. Chapter VI *supra*.

<sup>2</sup> This definition is in fact of 'delegation' and not of the 11 (2) 'claiming' system. R.C.L.G.: Pindar, IX, M. 91-2, pp. 1896-7. This line of proposals was put forward at least as early as 1904. See Departmental Committee on Highways: Evidence of Mr. (later Colonel Sir) Seymour Williams, QQ. 1296 sqq.

matter would appear to be founded on the fact that whereas most, if not all, rural roads were used by traffic originating or terminating outside the rural district, in each urban district there was a network of streets for which only the town should pay.<sup>1</sup> But the very retention of these urban areas as independent authorities even for unclassified roads meant a break in the continuous area of road administration; when they retained the right to 'claim' classified roads, or had classified road maintenance delegated to them, there was a similar break in the administration of classified roads. Thus the desire to get wider areas ran counter to the desire of the smaller authorities — which in the case of the urban authorities proved incontestable — to maintain their status as highway authorities. Yet to refuse the urban authorities the maintenance of classified roads (which might have been done) and yet keep them as authorities for unclassified roads (which would have been unavoidable) would have led to the duplication of highway staffs in the urban areas. In so far as a solution has been found under the 1929 Act, it has been achieved through the flexible use of the powers of delegation. The total mileage of English roads outside the L.C.C. and county borough areas as allocated under the 1929 Act is as follows:

	<i>Class I</i>	<i>Class II</i>	<i>Unclassified</i>
County (Urban)	3,941	2,446	955
County (Rural)	9,850	8,555	73,364
District	—	—	17,425 <sup>2</sup>

To these must be added the trunk roads, maintained by the counties, but for which the Minister is the authority. Delegation can be considered under three heads. Firstly, in urban areas maintaining unclassified roads, the county council can delegate to them the power of maintaining the classified roads. Secondly, the urban district can contract with the county to maintain its unclassified roads. In both these instances, the objective is to prevent the duplication of highways staffs covering the same area. Thirdly, the county council may delegate the maintenance of roads in a rural district to the rural district council. Since the rural district is no longer a highway authority, this is done not to avoid duplication, but to give responsibility for administering a local service to the rural district council, to

<sup>1</sup> One main reason for any distinction between the two types of districts would be that an urban district council have their own network of residential streets, which they have to maintain, and the rural district council, if they answer to their title, would not' (R.C.L.G., Piggott, Q. 36,473).

<sup>2</sup> See *Municipal Year Book* (1942), p. 125.



decentralize work from county headquarters, or for similar reasons.<sup>1</sup>

Whether delegation is as effective as direct control, and whether in the long run it involves less trouble and expense to the country, has long been debated. Practice has always varied from county to county. The conflicting opinions of witnesses to the Departmental Committee in 1904 have already been cited. Some counties always relied on direct administration — others tried delegation with apparent satisfaction and success.<sup>2</sup>

The trend seems to be towards direct control. For instance, in 1941 Hampshire decided to withdraw delegation even of unclassified roads from the rural districts and it was stated that a saving of £6000 per annum was anticipated.<sup>3</sup> There is, however, another aspect of the delegation versus direct control issue. The existence of the urban areas — maintaining their own roads — as 'islands' in the middle of the rural areas under county administration, often means that the organization cannot be run on the most convenient basis; for example, a surveyor responsible for the roads in a rural district — whether he be a direct subordinate of the county surveyor or a rural district council officer, acting as agent of the county council — may be stationed and keep his staff and equipment in a town which is outside his jurisdiction and which maintains its own unclassified and perhaps also its classified roads by its own highway department. The way round this might be to arrange for the urban area to maintain the surrounding rural roads for the county.<sup>4</sup> The way in

<sup>1</sup> Recent official statistics on the number of authorities in these classes is not available, but private information from the Ministry of Transport suggests that in 1943 238 non-county boroughs and urban districts had claimed the maintenance of their classified roads, while in 395 non-county boroughs and urban districts the county councils maintained the classified roads; in 116 rural districts, the councils maintained both classified and unclassified roads by delegation from the county councils, but their numbers have decreased since (e.g. in Kent and Cambridgeshire).

<sup>2</sup> e.g. Somerset. See R.C.L.G. Minutes of Evidence: Rodber, QQ. 31,200-31 (X, p. 1946).

<sup>3</sup> See *Municipal Journal*, August 22nd, 1941, p. 1007.

<sup>4</sup> This suggestion was put by the 1904 Committee to the West Riding County Surveyor: 'Looking at your map, one sees in the midst of a large number of non-county boroughs and urban district councils, a few little specks of white representing rural district councils; does each of those rural district councils maintain the main road in its district? — Yes.

And each has its own surveyor and staff? — Yes.

And you have no power at all to make a contract with an adjoining large non-county borough to keep those roads for you? — We have not thought of that policy, but I do not think a policy like that would be satisfactory to West Riding men. The rural district council would think itself equally as important as the non-county borough.

Do you not think that they would see the economy of not keeping up a staff for a very small number of miles? — A Yorkshireman is a Yorkshireman.' (1904 Departmental Committee on Highways: Evidence of J. Vickers Edwards, QQ. 698-701).

which this problem has been handled in some cases is by the constitution of a joint body, representative of both urban and rural authorities in a certain area, and functioning as a sub-committee or agent of the county highways committee; this has been done, for instance, in East Suffolk.

It is in fact the same principle of area organization to be seen in the guardians committee or the district education executive, but adapted for highway purposes. The fact that this method of delegation allows of the maintenance of all roads — classified or unclassified — within a single continuous area — urban and rural — by a single district surveyor, staff and equipment, responsible to the general control of the county highways committee and surveyor, may perhaps counterbalance any extra expense that delegation as a general rule involves as compared with the direct administration by the county of all rural roads, while leaving the urban roads to the urban authorities. It will have been seen that the problems of highway administration are complex, and in relation to the demand for a 'continuous area', it has been the object merely to illustrate some of the conflicts of principle involved, and the attempts to overcome them, mainly through a flexible use of the powers of delegation.

(iii) *General Factors concerning the Need for a Continuous Area*

Consideration may now be given to two more general aspects of the need for a continuous area of administration, which have already been mentioned in the consideration of other services. First, any service which involves personal contact with the public must have regard to their convenience. Now the natural flow of population is from the countryside to the nearest urban centre — 'nearness', of course, being construed in relation to transport facilities and not merely geographical location. Yet the existing local government structure isolates the larger centres administratively from the counties of which they may be the geographical focus, and does the same at the lower level for most of the urban centres within the administrative county. Thus the presence of these administrative frontiers is bound to be an obstacle in the planning and operation of the services which involve the attendance by the public at a number of service centres. The problem of the hospital<sup>1</sup> or the technical

<sup>1</sup> A case in which this difficulty arises most acutely is on the boundary between county and county borough, which may involve the denial to patients living in a town but not in the county borough itself of the use of services provided by the

college, which is situated in a county borough yet draws most of its 'consumers' from the county area has already been noticed; indeed, the county officers themselves are usually in the county borough, and the offices of the rural district council in a borough or urban district. The problem has been similarly noted with regard to library provision. 'Despite the increase in co-operation, far too many people in less good areas find themselves so near and yet so far where library facilities are concerned — people who live in badly served suburbs who cannot use the good libraries in the town where they shop, villagers who cannot visit the libraries in their market towns — and yes, townfolk who wish they could go to county branches on their outskirts. Until there is absolute equality of standards and equitable financial contribution, these barriers, absurd and indefensible, will remain — unless the boundary of the service unit is itself extended to embrace the whole natural service area.'<sup>1</sup>

The concomitant disadvantage which the principle of the continuous area should eliminate is that of duplication. For instance, in dealing with police services attention has been drawn to the fact that a borough which had its own police force would also probably have a county superintendent and the headquarters of a county police division, and the consequent deduction made that a merger would involve economy — whether this was done by the inclusion of the borough in the county force, or by attaching to the borough force the fringe of county area surrounding the town. Similarly, the McColvin report stated of libraries: 'Examples of duplication abound. Of the towns visited 22 accommodated two libraries (and in the country there are altogether 54 such cases) — the urban municipal library and the county library headquarters . . . Those who do not live in the town may use the county library; those who do may not. The better the two services the greater the duplication of effort.'<sup>2</sup> Thus the principle of the continuous area raises the whole problem of the 'fringe', the

<sup>1</sup> L. R. McColvin, *The Public Library System of Great Britain* (1942), p. 109.

<sup>2</sup> *Ibid.*, p. 109.

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county borough' (Home Counties Hospital Survey, p. 2). Or again: 'In some of these centres there are substantial hospitals owned by local authorities which take only patients from the area within an arbitrarily drawn boundary of a county borough, county district or joint board area. These lines completely cut across the natural flow of patients to the hospital centre. County boroughs for general hospital purposes now usually stand apart from the county area round. The county areas can never be served for general hospital purposes if they are not to make use of their natural centres' (Sheffield Regional Hospital Survey, p. 75).

rural territory surrounding the town from which it can most conveniently be supplied, not merely with the services like hospitals, police or libraries, but also with the more technical services like water or electricity. The issue is one which runs through nearly all the local government services; yet the methods adopted to solve it have to go outside the existing local government structure, either by arranging for one local government authority to supply services outside its area, or by constituting some form of joint authority.

### *B. Balanced Composition*

The fourth main type of area requirement of local government services is that of balance. Previously, consideration has been given to the size of area, measured by its population, to the need for an area of a certain type of geographical configuration, or to the need for a continuous stretch of territory. What is now in question is the composition of the area; for the purposes here considered, it is not enough for an area to contain a certain level of population, or be of a certain extent; it must also contain a variety of constituent parts. To illustrate what is meant by this variety or balance of composition, examples may be cited from two services — town and country planning and electricity supply.

#### *(i) Town and Country Planning*

One of the requisites of a town and country planning area is that it should contain both urban and rural elements. 'The obvious unit for detail planning is one in which the proportions of urban and rural land are balanced according to the requirements of the population. The balance cannot apply in all cases to the complete agricultural needs of the people, because in the case of a very large town, the area of rural land would be most extensive, but it certainly should apply to rural land used for market gardening and balanced amenity.'<sup>1</sup> The factors that should make up this diversified balance are given in more detail by a Report of the West Midland Group. After stressing that the planning area requires 'a balance of industry, housing and amenities', it is stated that 'the desirable size of a local planning authority's area depends on physical and administrative factors. So far as possible each area should be balanced both physically and

<sup>1</sup> H. J. Manzoni, 'Post-War Planning and Reconstruction', *Journal of Institution of Civil Engineers*, June 1942.

socially. The principal physical factors necessary to human well-being are: good residential facilities; accessibility to places of employment and recreation; a full measure of amenities, including park and agricultural land. In order to provide these factors in proper proportion, the area of the local planning authority should include both urban and rural land'.<sup>1</sup>

The formation of so many joint planning committees, comprising both urban and rural authorities, and the fact that the 'regional planning schemes' similarly cover both urban and rural areas together, is further evidence of the fact that though the administrative structure of local government areas may separate town and country, for town and country planning they must be brought together. The problem of 'overspill' may be cited as an illustration of this proposition that it is not merely extent or population or rateable value that alone can be the criterion for planning areas, but balance of urban and rural components must also be included. Many large centres, from London downwards, are faced with the problem of reducing the density of the population in their central areas, and the surplus must be dispersed — in satellites or otherwise — in the surrounding rural territory. Thus, Leeds, for instance, plans to rehouse 100,000 people in 23,000 houses in three satellite towns within a radius of 10 miles;<sup>2</sup> Manchester, with a present area of 27,255 acres, needs another 10,000 acres in which to house a population of 150,000 who must be dispersed from the city area. This need for '*lebensraum*' for the 'overspill' has led inevitably to claims for boundary extensions — Plymouth wants to expand into Cornwall, Leeds wants to extend its area from 38,293 acres to 99,793 acres. The reason is that this deconcentration of population cannot be adequately planned and controlled unless the area into which the people are to be dispersed is under the same authority as that from which they are sent — the planning and administrative areas should coincide, and must include not only the city itself but a broad rural zone available not only for the creation of new suburbs or satellite towns, but also capable of providing a 'green belt' between the old and the new residential districts.<sup>3</sup>

<sup>1</sup> West Midland Group, *Report on Administrative and Financial Problems of Town Planning* (1944), p. 11.

<sup>2</sup> See *Municipal Journal*, January 5th, 1945, p. 20.

<sup>3</sup> For a full discussion of this issue, see two articles by O. Lewis Abbott, 'Some Problems of Local Government', *Municipal Journal*, February 16th, and 23rd, 1945.

## (ii) *Electricity*

The same principles of balance in the composition of an area can be seen in the delimitation of areas for electricity supply. The principle occurs under two aspects — the technical requirement that an electricity area should secure the desirable variety of 'load', and the provision of electricity in rural areas. 'The fundamental technical quality of electricity, equal in importance to the fact in water administration that water runs downhill, is the fact that electricity cannot be stored. This also marks off the nature of electricity areas from that of gas, which can be stored. Therefore, it is important, if the full use of the fixed capital is to be secured, to be able to load the generating plant all day and every day with the load that must be allowed for to supply when demand is at its peak.'<sup>1</sup> This factor affects also those electricity distribution undertakings which do not themselves generate electricity but take it in bulk from the Central Electricity Board, both since the fixed part in the latter's two-part grid tariff is based on the maximum demand in the four months from November to February, and because overhead costs form a substantial proportion of the costs of distribution; it is therefore in their interest to secure maximum use during the off-peak periods. This problem of securing the maximum off-peak load is expressed in terms of obtaining the 'load factor' as high as possible and the diversity factor as low as possible. The load factor is the ratio of total kilowatt hours (units) actually used to the total of kilowatt hours (units) which would have been used were the maximum demand in kilowatts sustained throughout the year — the latter maximum demand being defined as the largest number of units used during any consecutive thirty minutes commencing or terminating at the hour.<sup>2</sup> How can the most favourable load factor be achieved? It is generally to be secured by getting within the same area a balance of industrial and domestic consumers, since the industrial demand (which generally causes the main peak) is at its highest about lighting-up time and before noon, whilst the latter reaches its peaks at breakfast, midday and in the evening, at times when the factory load is low. The aim is, therefore, to secure first a variety of types of industrial demand, and further a proportion of domestic demand to provide a load in the

<sup>1</sup> H. Finer, *Municipal Trading* (1941), p. 262.

<sup>2</sup> See P.E.P., *Report on the Supply of Electricity in Great Britain* (1936), p. 41.



hours when the industrial demand is low.<sup>1</sup> Variety within the class of load — whether industrial or domestic — is expressed in terms of the diversity factor, which is obtained by dividing the sum of the maximum demands of individual consumers during a given period by the actual maximum demand during the same period, and the aim is to get this as low as possible. If every domestic consumer with, for instance, an electric cooker, were to switch on regularly to the full amount at a regular hour, the electricity undertaking would have to maintain generating and distributing equipment to deal with that load; in practice, however, the maximum load at any given time is less than the potential maximum, and, relying on this probability, the total equipment provided can be designed for a smaller load. 'In the design and layout of a distribution system, load factor and diversity factor are allowed for, the main requirement being the maintenance (within the statutory permitted limits) of the declared voltage at the consumer's terminals and the provision of a continuous supply at that voltage: similarly, the capacity of a telephone system is not designed to carry the demand from everybody's wanting to talk at once; probabilities of use enter to enable reasonable margins to be maintained.'<sup>2</sup>

The same type of consideration applies to rural electrification. Just as in the general technical issue of load factor, the industrial demands need to be balanced by domestic demand, so rural areas can only be economically supplied if they are put under the same organization as urban areas, so that the latter can help to pay for the former. In rural areas, the 'main difficulty is the heavy cost of high voltage mains, transformers and low voltage mains in relation to the low density of population to be served and resulting low revenue . . .'<sup>3</sup> The fact that in most cases the urban areas have been developed first, leaving the rural areas to be developed separately, has made the development of rural areas more difficult, particularly having regard to their low density of population, the isolated position of many premises and the smaller spending powers of agricultural workers.<sup>4</sup> Of course, the presence of rural industries may help to offset the losses incurred in the supply of domestic consumers in

<sup>1</sup> In some areas, with a high proportion of domestic demand, the peak hour may be Sunday at noon.

<sup>2</sup> P.E.P. *Report*, *ibid*.

<sup>3</sup> Committee on Electricity Distribution (McGowan) Report, 1936, para. 391.

<sup>4</sup> *Ibid.*, para. 376.

rural areas, and the variations in demand per head between domestic users in different districts are often very great.<sup>1</sup> But as a general rule, the urban area needs to be brought in to help to pay for the rural area, at any rate in the initial stages of supplying the latter, and some of the schemes of rural electrification have been based on this principle. Thus the two 'demonstration' schemes in 1929-30 arranged for the supply of 109 square miles round Bedford and 125 square miles round Norwich respectively, and it has been calculated that 'large municipalities, opening up semi-rural areas, can afford to give the inhabitants of these areas the same prices as those given to the townsfolk, without appreciable effect on the latter. Smaller municipalities possessing valuable industrial load and developing rural areas of some 100 to 300 square miles, may differentiate slightly between urban and rural prices, for instance, by adding from 10 per cent to 20 per cent to the urban tariff to cover the extra cost of distribution.'<sup>2</sup> In fact, the electrification of rural areas has been mainly left by the municipal undertakings to the companies, and it is to be remarked that there seems a suspicion that the larger urban authorities do not recognize a duty towards the rural areas, and if they did undertake to supply them, their outlook would not correspond to rural needs.<sup>3</sup> It is also of interest to note that the Bedford and Norwich schemes showed a deficit, while the Scottish schemes of rural electrification in Dumfries and Kircudbright, though initiated to develop entire county areas of very rural character, showed a profit, apparently due to intensive canvassing of consumers, facilities for hire-purchase of apparatus and similar cultivation of the domestic consumer market. Moreover, the McGowan Committee stressed that in deciding what would constitute an undertaking of economic size from the point of view of making any area scheme, regard should be had to the grouping together where possible of appropriate rural and urban areas, and they added: 'We attach great importance to our recommendation that rural areas should as far as practicable be grouped with urban areas. This policy will facilitate the carrying out of comprehensive rural schemes and should enable development to be achieved without imposing an undue burden on the urban area.'<sup>4</sup>

The results of these two sets of considerations can be seen from the nature of those electricity areas, which have been designed to

<sup>1</sup> See P.E.P. *Report*, pp. 84-97.

<sup>2</sup> *Finer*, op. cit., p. 347.

<sup>3</sup> *Ibid.*, p. 88.

<sup>4</sup> *Op. cit.*, para. 387.

meet the requirements of the industry — for instance, the C.E.B. districts,<sup>1</sup> the Ministry of Transport's suggested areas to implement the McGowan Report proposals,<sup>2</sup> or the Electricity Supply areas in the 1947 Electricity Act.<sup>3</sup> First, the areas tend to be fairly large. This is not only because of the economics of large-scale undertakings, but also of the consideration which led the McGowan Committee to pronounce against the suitability of undertakings supplying less than 10,000,000 units annually. The point at issue here is that only a fairly large area can comprehend within itself the desirable variety of demand — industrial, residential, agricultural, with the special types of demand such as public lighting or electric traction. Secondly, the grouping of areas is one that is undoubtedly dictated by the special requirements of electricity supply. For instance, in the C.E.B. area layout, North Wales is joined in the same area as Cheshire, Lancashire, Cumberland and Westmorland; in the 1947 Act scheme, where the areas are rather smaller than the C.E.B. areas, North Wales is grouped with Cheshire and the Merseyside part of Lancashire. The reason is that the rural area of North Wales needs to be balanced by the industrial areas of Merseyside and Cheshire — it cannot stand alone.<sup>4</sup> Thus, it can be seen that balance is an essential feature in the delimitation of electricity supply areas, and it is one that may lead to areas that would not be obtained for other services.

This principle of balance, which aims to secure a combination of urban and rural areas for town and country planning, and of industrial residential and agricultural areas for electricity supply, is also in evidence in the more general problem of obtaining local authorities of adequate financial resources. Here the aim is to get a fair combination of 'rich' and 'poor' areas, so that the financially weaker districts are not segregated, and consequently over-burdened with rates. Unless this is done, there is a tendency for the ability to pay

<sup>1</sup> The 10 C.E.B. Areas (7 English and Welsh, 3 Scottish) were designed mainly with a view to diversity of industrial characteristics in each.

<sup>2</sup> The Electricity Commissioners suggested 68 groupings in 25 districts, based on the existing largest and most efficient undertakings (*Outline of Proposals, Electricity Distribution, 1937, Appendix A*).

<sup>3</sup> The fourteen areas were devised with regard to 'natural areas with strong local outlook and interests', the layout of main transmission lines, and 'adequate diversity of electricity load' (Cmd. 7007).

<sup>4</sup> For a 'model scheme' for North West England and North Wales, see R. D. H. Donald, *Architectural Review*, November 1933, pp. 173-5; this provides for four distribution areas — Cumbria, East Lancs. (Manchester), South West Lancs. (Liverpool), Cheshire and North Wales.

for local government services to vary inversely with the need for them. It may be similarly recalled that the arguments adduced for getting a variety of social classes in a town<sup>1</sup> holds good for local authority areas, and that each unit of local administration should contain an appropriate mixture people of different social classes, occupations and interests.

(iii) *Homogeneity or Diversity?*

The foregoing discussion of the requirement of certain local government services that their area of administration comprise a balanced union of differing components raises the more general problem of whether administrative areas should be defined on grounds of homogeneity or diversity — should the criterion in delimiting areas be to make each unit correspond to a specific type of economic activity or agricultural land use or cultural group, or should the objective be to obtain units each of which should contain within itself a variety of economic, social or even geographical factors? This is an issue which has already been touched upon in the previous discussion upon the general principles of the delimitation of areas, and it is one that must be raised by any consideration of regionalism. Students of regionalism have long discussed the problem of the definition of the region in terms of homogeneity or diversity — whether a region should be defined according to the geographical incidence of a single factor — a particular type of soil, or a climatic zone, or form of industrial activity or whether it is the complex of different factors which makes the region — to quote the definition of T. J. Wooster — ‘An area in which the combination of environmental and demographic factors have created a homogeneity of economic and social structure’.<sup>2</sup> It may perhaps be thought that this discussion in abstract terms of the claims of homogeneity or diversity to be the criterion of areas is one remote from English local government. For, even if this theoretical issue has a bearing on practical questions, its relevance would be to the regional problems of a great country like the United States, where the breadth of distances and the infinite variety of climatic and geographical environment make so diverse the factors to be considered in relation to the delimitation of areas; in

<sup>1</sup> Compare, e.g., *The Size and Social Structure of a Town* (N.C.S.S.), 1943, pp. 1-15.

<sup>2</sup> See National Resources Planning Board, *Regional Factors in National Planning* (1935), p. 146.

England on the other hand, the scale is so much smaller, and the differences of climate or soil are insignificant in comparison with those in a country like the United States. Yet, *mutatis mutandis*, the issue is very relevant to some of the burning issues in English local government, and, in particular, to that which is generally termed the conflict of interests. The question is whether areas which have distinct — perhaps conflicting — interests, especially of an economic character, should be kept in distinct administrative units or can safely be contained in one unit. For instance, there is an evident difference of interest between two adjacent towns, one industrial or a seaside resort, the other a 'country' town and rural market centre. But the most obvious case of this conflict is that between town and country. Previously, the established practice in English local government was to recognize this conflict of interest and to separate urban from rural areas administratively: this can be seen in the separation of county boroughs from counties by the Act of 1888, or the separation of non-county boroughs and urban districts from rural districts confirmed by the Act of 1894. In recent years there has been a tendency — already noted at the end of Chapter VI — to modify this feeling of contrast between urban and rural units; they have been grouped into joint authority areas for various purposes and urban and rural districts are integrally linked for such purposes as district education executives. Further, the demand for 'urban' standards of amenity in rural areas has helped to soften the idea that standards of service were irreconcilably different in the two types of area. It is now often conceded that there is a certain community of interest between the market town and the surrounding rural area,<sup>1</sup> though the industrial town — or the new satellite — is still generally held to be opposed in interest and sentiment to its rural environment.<sup>2</sup> The

<sup>1</sup> 'A town is a town, with a purpose of its own and its own amenities, social and material. A village is a village; that is a place where people earn their living by growing food for themselves and their neighbours. Supposing, then, that a small borough takes in a ring of villages, and keeps them villages, thus controlling the housing, transport, lighting and schooling over a larger area, and at the same time preserving the purpose and amenities of these rural wards. Surely we should then have a very real community with its elements in a proper relationship of mutual dependence. The town grows its own butter and eggs in the rural wards; the village buys its furniture, clothes and boots in the urban wards; each side is interested in preserving and extending the characteristic qualities and advantages of the other' (G. M. Young, *The Times*, July 12th, 1946, p. 5).

<sup>2</sup> 'Here is a rural area, in the middle of which is a small town, to which the local farmer goes on market days . . . although a town, it is truly the centre of the agricultural district. Many towns are being designed, however, and some are actually

instructions given to the Boundary Commissioners envisage equally the possibility of change from the principles of 1888 and 1894, or their retention: 'The interests of an urban centre and the surrounding countryside should not necessarily be regarded either as diverse or as complementary. All factors should be considered to discover whether on balance a blending of urban and rural territories is desirable.'<sup>1</sup>

It is suggested that while it is not possible to give a definitive answer to this question, it may be of interest to examine some of the discussion of the issue of homogeneity versus diversity as the criterion of administration, which has taken place in America. The issue was one which the National Resources Committee had to face in relation to the demarcation of planning regions. In their report on *Regional Factors in National Planning* (December 1935) the National Resources Committee laid down certain definitions of a planning region. The formula evolved expressly treated this question of homogeneity and diversity. In the first of three regional studies — that on the Pacific North-West — this formula had to be applied to a specific case and two questions were asked: did the formula fit the facts of the Pacific North-West Region and, accepting the formula, should the Region be divided up, because it was not sufficiently homogeneous? In their discussion of this problem, contained in their report to the National Resources Committee, the Pacific North-West Regional Planning Board examined the fundamental meaning in this context of homogeneity and diversity and, in fact, reported against the division of the Region, on the grounds of its essential unity.

The National Resources Committee's requisites for a planning region were as follows: 'First, it should embody those characteristics which are the requisites of true regionality in general:

<sup>1</sup> Loc. cit., para. 3.

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being erected, which are nothing like that . . . If a satellite town is combined with a rural area, the agricultural and rural interest should not be allowed to be swamped by people who have an industrial mentality' (W. A. Colegate, House of Commons Official Report, Fifth Series, Vol. 408, c. 454).

The nineteenth-century industrial towns seem strange to their rural environment, runs this line of argument: 'The new settlements were in appearance, as they were in fact, extensions of the coal-mines and steam-driven factories that symbolized the new age. Offspring of industrial establishments and not of the agricultural land, they massed together as alien intruders in the countryside, creating there a new environment of their own . . . The new settlement groups grew completely divorced from the rural countryside whose amenities and life they despoiled' (A. E. Smailes in *Creative Demobilization* (London, 1943), II, pp. 216-17).



- (1) The area should possess the maximum degree of unity, homogeneity, and cohesion.
- (2) Its territory should be as contiguous and as compact in outline as possible.
- (3) It should be large enough to embrace all territory containing generally similar problems and resources. In the United States this appears to vary from perhaps 100,000 to 200,000 square miles.

'Second, it should be so constituted as to meet the specific needs of planning:

- (1) It should include all territory containing a major combination of resources, i.e. it should be an economic natural unit in general terms.
- (2) It should include whole problem areas, and not partial areas.
- (3) It should include a total areal pattern of culture and work and should not cut across such patterns.
- (4) It should be so delineated as to conform to existing regional consciousness and sentiments.
- (5) It should possess regional identity.<sup>1</sup>

The Pacific North-West Region is 397,000 square miles (1000 miles east to west, 500 miles north to south) comprising a population of 3,500,000 in the States of Oregon, Washington, Idaho and Montana. There are two great mountain ranges in the Region, both running from north to south. The more westerly of the two, the Cascade Range, splits off the coastal regions of Oregon and Washington from the rest of those states and from the two eastern States of Montana and Idaho. The eastern Range, the Continental Divide, cuts off the bulk of the Region from Eastern Montana and South-East Idaho, which look rather to Salt Lake City, and from the rest of the United States. The National Resources Committee was of the opinion that the Region was too diverse, and should be split into three, along the lines of the two mountain ranges.<sup>2</sup> This contention was rebutted by the Pacific North-West Planning Board — at any rate as regards unity of the area between the Pacific and the Continental Divide.<sup>3</sup>

<sup>1</sup> Regional Planning, Part I — The Pacific North-West (May 1936): Staff Report, Section 3.

<sup>2</sup> *Regional Factors in National Planning* (pp. 122-3).

<sup>3</sup> As regards the areas east of the Divide, they agreed that Eastern Montana and South-East Idaho really belonged to an intermountain group centred on Salt Lake City, but held that for administrative reasons, these States should belong to both planning areas.

They showed that where there were differences in the Region, e.g. as regards soil and types of agriculture, they generally ran east-west, and were not divided by the Cascade north-south barrier; nor did the political groupings follow the boundary of the Cascade. But much more important were the unifying factors — first and foremost, the Columbia River rising east of the Cascade and flowing through it to the sea. The economic and cultural unity of the region on both sides of the Cascade were demonstrated by charts showing the flow of traffic to the metropolitan centres of Portland and Seattle from the eastern area, the flow of banking deposits, the interchange of long-distance telephone calls and the circulation of 'metropolitan' newspapers. The general conclusion was that too much attention should not be paid to apparent barriers of a physiographic character, to differences in soils or types of farming arising from them, or to divergences of economic activity; what was of real importance was the positive cultural and social unity of the area. 'Constant contact between peoples living in areas quite distinct in the character of land and its use may develop because of economic specialization. This requires reciprocity between the areas. One furnishes a market for the other, one fabricates the raw materials of the other and acts as a collecting agency for export to different regions.'<sup>1</sup> Of course, the two areas on either side of the Cascade were thrown together because the Continental Divide, a greater barrier, isolated them both from the rest of the United States. 'Two dissimilar land areas that are adjacent may be given a feeling of oneness by elements of culture transcending economic facts or overlaying economic ties . . . the intellectual influence of metropolitan centres penetrates into a wide hinterland . . . It should be borne in mind that the test of homogeneity for regional determination, from whatever angle we approach it, is in final analysis the behaviour of the people. We need, therefore, to look for similarities of living habits and standards, similarities of knowledges and skills required to solve their economic difficulties (in which the conservation and utilization of natural resources loom very large), unity of religious outlooks, and expressions of feelings of regional unity.'<sup>2</sup>

What is the relevance of these findings to the problems of England, especially when they are applied upon the much smaller scale of English local government areas? The discussion of regional problems

<sup>1</sup> *Report*, p. 99.

<sup>2</sup> *Op. cit.*, *ibid.*

in terms of diversity and homogeneity of factors shows the build-up of an area, and how, although it may be composed of apparently conflicting economic interests, there may well be a cultural and social unity pervading it. Indeed, the economic interests, though different, need not be conflicting; for instance, in the letter of Mr. G. M. Young previously cited, there is an indication of the mutual interdependence of agricultural and urban economic action, or, as the American report sees it, economic differentiation leads to specialization and mutual service. What are the facts which would give unity in the cultural and social sense to an area diverse in its economic and occupational structure—for instance, a small region containing perhaps an industrial town and a seaside resort set in an agricultural hinterland? First, there may be put, the existence of some external barrier—the fact that the particular county is cut off from the rest of the country, or a particular district geographically separate from the rest of its county. Secondly, there is the existence of some traditional cultural bond—a common history or folklore—perhaps even a common tongue. Thirdly, there is the influence of an urban centre, drawing together the different localities economically or socially associated with it. Fourthly, there is the presence of some common link running through the area; perhaps, the most familiar instance is a river, which can (in the phrase of the Royal Commission on Tyneside) be the ‘spinal cord’ of the territory through which it runs.

## CHAPTER XII

### ADMINISTRATIVE AND SOCIAL AREAS

#### A. *Introductory*

THE object of this chapter is to contrast the nature of local government areas with that of the comparable systems of areas adopted by governmental or other organizations which have to divide up the country for administrative purposes; the areas of local authorities will also be compared with those social groupings whose geographical extent has been broadly defined by those who have studied the social structure and relationships of the population. The opportunity will also be taken of relating this evidence to relevant material cited in earlier chapters concerning the areas required for the operation of certain local government services, and it is hoped to present, in a general survey, an appreciation of the resemblances and differences between the areas of local government and other types of area which can be fairly regarded as analogous to them.

The evidence upon which this general survey has been based is of six types:

- (1) *Urban centres and their radii of influence.* The centres of urban population have been classified by geographers according to certain criteria, based on their individual characteristics — size of population, distribution of population between types of occupation, provision of commercial services, and institutions for social services. There is a further classification of urban centres according to the extent of their 'radius of influence', and in consequence upon the size of the territory that can be said to be 'dependent' upon them for various social, economic or administrative purposes. It should be noted, however, that a single centre may fulfil its role in different classes. Thus, a large city, for instance, might be a centre for certain highly specialized services with a radius of influence in respect of them of 100 miles, but for other less specialized services its radius might be only 40 or 50 miles, since smaller centres which could equally supply these less specialized services, would compete with it; further, for commonly required ser-

vices, meeting every-day needs, its radius might be only 5 or 10 miles, since there would be many smaller centres in its neighbourhood to compete with it in the provision of these frequently needed services. This material showing the existence of a hierarchy of service centres is of particular significance both from its relevance to the structure of so many administrative organizations, but also because it gives a clue to the nature of a geographically defined social structure of the population.

- (2) *The theoretical structure of communities.* The physical planners have worked out, and have adopted in many planning schemes, a theoretical structure of communities. This is based partly on a study of existing social groupings in large cities, and partly on a calculation of the populations needed to support various scales of provision of social and economic services. Broadly, this structure envisages 'residential units' of about 1000 inhabitants, 'neighbourhood units' of 5000-10,000, 'community' (or 'borough') units of 40,000 or more, and in the case of large cities, a 'district' of say six 'community' units, with a population of about 250,000. This theoretical structure based upon population can be compared with the population requirements of the different services listed in an earlier chapter, and again suggests the classification of the population into a series of graded units, which can be compared with the various grades of local authority areas.
- (3) *Other administrative divisions.* Many national organizations which have to carry out their functions locally, divide the country into areas which are comparable in size with local government areas, and, in certain cases, the character of the work is not dissimilar from that done by local authorities. Thus the areas adopted for judicial purposes, for the collection of revenue or the administration of labour exchanges and the Assistance Board, are suitable for contrasting with comparable areas in the local government structure, and so are the areas employed for administrative purposes by certain large-scale commercial organizations and voluntary associations.
- (4) *Modifications of local authority areas.* Local authorities themselves have secured adaptations of the existing local government areas by various means. Joint authorities have been

formed or one local authority undertakes to supply a service outside its own area; county councils delegate certain of their functions to subordinate executive bodies covering the areas of two or more county districts. Under this head may also be considered some of the proposals for the reform of local government structure as a whole — by proposals made by local authorities for changes in particular areas. New types of area can be discerned in broad outline if this evidence is examined, and they differ from the existing types of local authority area.

- (5) *Areas of particular services.* The technical requirements in respect of areas of some of the local government services have already been pointed out. To some extent they can be graded in accordance with the population required to provide services, or they may have various geographical characteristics determined by the technical requirements of the service in question.
- (6) *Social grouping.* It is sometimes possible to determine the existence of social units of varying sizes, representing groupings of the population or 'natural communities'. Evidence of them can be drawn from the circulation of local newspapers, the areas of voluntary associations, the natural flow of the population to markets, shops and places of entertainment. In many ways this type of evidence tends to overlap with the data referred to in the first class of material, that relating to the radius of influence of urban centres.

These six types of evidence comprise material upon areas of greatly varying sizes and these have to be compared with one another and with the areas of local authorities. In order to ensure that areas of like magnitude are compared, a fourfold classification of areas into four 'levels' has been adopted. This was worked out primarily as an expository device, to provide a framework within which comparable areas could be set side by side. Yet, although this four level system was intended merely to facilitate analysis, the resulting picture does suggest that to these four levels there correspond something like them in the real geographical and social structure of the country. This is suggested by the extent to which so many organizations tend — broadly speaking — to adopt areas which correspond to one or other



of the four levels described, and the general convergence of administrative units and social groupings upon one of these four levels of area.

The four levels are:

- (i) The 'region': The sense in which the term is used in this context is to denote a major subdivision of the country, generally comprising two or more geographical counties, and the type of unit envisaged is one of which there might altogether be 10 or 15.
- (ii) The 'county' or 'urban group' represents a less precise concept. In rural or mixed urban-and-rural areas, it would approximate to a geographical county. However, in the more densely populated urban areas, some systems of areas take as their unit an entire conurbation, since the territorial extent, measured in terms of the radius in miles from its centre, would be that of a geographical county in the rest of the country. Other systems of division break up each conurbation into fairly large component units, each of which has about the same population as a geographical county elsewhere. Mainly from this difference in the treatment of conurbations — either by territorial extent or by population — the schemes of division at this level result in units varying in number from about 40 to about 100.
- (iii) The third level is that of the 'district' or 'community'. In the great urban areas, it would correspond to the 'community' unit devised by the physical planners, and embodied in several reconstruction schemes. Outside these areas, it may be a large town with a fringe of countryside, or a group of smaller neighbouring towns, or a single market town with a considerable rural hinterland. Apart from the units in the conurbations, the total number of units of this level would be roughly 500, and the poor law union is a characteristic example.
- (iv) The fourth level is that of the 'neighbourhood' unit in towns and in rural areas a large village or group of smaller villages. The individual small rural parish with a population of less than 300 or 400 is regarded as below this level, since the types of area organization comparable with local authority areas

almost invariably discard it as too small, and take as their smallest unit at least a group of villages.

### B. *The Regional Level*

The regional divisions of England and Wales can be fairly briefly treated, because in all cases they are considerably larger than existing local government areas, and their relevance to them lies in the possibility of their adoption in the future for some at least of the local government services. There is a full treatment of them in the article by Mr. E. W. Gilbert in the *Geographical Journal* for July 1939,<sup>1</sup> and additional information in a pamphlet published by the Association for Planning and Regional Reconstruction in 1942,<sup>2</sup> in which the different regions are classified and depicted. These schemes of regional division — whether governmental, voluntary or theoretical — generally divide England into about ten regions, with Wales as an additional region. At one end of the scale may be cited the 7 regions of the Post Office, at the other the 13 regions of Professor Fawcett's 1919 scheme or the 14 regions of Mr. Gilbert's 1942 scheme. Perhaps the civil defence regions (10 in England, 1 in Wales) may be regarded as typical of units of this level. Certain broad similarities in divisions of this kind emerge. Wales is generally a separate region, so is the London area. The Pennine Chain generally acts as a barrier between a North Western region based on Manchester, and a Yorkshire region centred in Leeds. The five Midland counties of Shropshire, Staffordshire, Warwickshire, Worcestershire and Herefordshire are a fairly constant combination. There are some regions, which are sometimes left intact, and in other schemes subdivided; for instance, the South Western region is sometimes broken up, so that Devon and Cornwall form a separate unit. In some cases, there are difficulties in the attribution of an area to one region rather than another. Should Cumberland and Westmorland go to Newcastle, or to a North Western region based on Manchester? Occasionally, as in Mr. Gilbert's scheme, Cumbria forms a separate unit, but it is generally regarded as insufficiently populous to do so. Although regional divisions often are professedly based on the county boundaries (as are, for instance, the civil defence regions) there are certain cases where the regional boundaries cut across the county

<sup>1</sup> *Practical Regionalism in England and Wales*, Vol. XCIV, No. 1, pp. 29 sqq.

<sup>2</sup> 'Regional Boundaries of England and Wales' (Broadsheet No. 9).

boundaries. This is interesting evidence of the inconvenience of certain of the county boundaries and is a possible pointer for the future adjustment of county areas. Such cases include the northern part of the North Riding, where the Cleveland Hills is the natural boundary, not the Tees, and the whole of Tees-side is included in a Northern Region with Northumberland and Durham; the north western corner of Derbyshire is similarly attributed to the region which contains Manchester, of which it is a dependency.

Another approach to the definition of the region is from the regional centre or large town which is the administrative capital of the region and its economic and social focus. The main regional centres are London, Birmingham, Manchester, Leeds, Bristol, Newcastle, Nottingham and Cardiff. Further, there are other smaller centres—Plymouth, Oxford, Norwich (or Cambridge), Southampton—which sometimes appear as regional centres, if the scheme of division requires more regions. On the other hand, certain larger cities—Liverpool, Sheffield, Bradford, Leicester, Hull—rarely appear as regional centres because they are relatively close to major cities (Manchester, Leeds or Nottingham) which are already regional capitals. It thus appears that the criterion for the designation of a regional centre is not its intrinsic character or population, but its spatial relationship to other great cities and to the surrounding area. In this connection it is noteworthy that the table of the hierarchy of service centres, prepared by Christaller on the data of South Germany, shows that 'Regional Centres' of 500,000 population are about 116 miles apart, or have an individual radius of nearly 60 miles, with a total theoretical area of influence of some 13,500 square miles.<sup>1</sup>

Although regional centres in England are generally closer together than this, their radius sometimes extends to 75 or 100 miles in some directions.<sup>2</sup> These regional centres correspond approximately in the 'urban hierarchy' to the 15 'major centres' (provincial capitals: London, Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, Nottingham; 3 sub-capitals: Plymouth, Norwich, Southampton; 4 'commercial and industrial centres': Hull, Sheffield, Leicester,

<sup>1</sup> W. Christaller, *Die Zentralen Orte in Süddeutschland* (Jena, 1933), cited by R. E. Dickinson, 'Social Basis of Physical Planning', *Sociological Review* (1942), XXXIV, p. 63.

<sup>2</sup> A table showing the distances travelled for certain goods gives a journey of 50-100 miles to a 'provincial centre' for 'display clothing' or 'better furniture'. See A. W. Ashby, 'Effects of Urban Growth on the Countryside', *Sociological Review* (1939), XXXI, p. 350.

Bradford) distinguished by such factors as the presence of morning daily newspapers, universities or university colleges, branches of the Bank of England or stock exchanges.<sup>1</sup> It may be noted that the appearance of a morning daily newspaper can be generally regarded as a criterion of a centre of this type.<sup>2</sup>

Regional areas have been proposed for certain local government services, but the transfer of these services to a regional basis involves taking them outside the ambit of local government, unless joint authorities be set up to cover the regional area, since the region in every case covers more than one local authority area. Thus the regional area is the one that is required for the level of health service administration at which hospitals are organized in an integrated system; this involves a population of at least one million, or more probably two millions. The regions set up under the 1946 Act are constructed on the principle that each should have a university medical school at its centre; the desire to divide the London medical schools between four adjacent regions has led to the definition of these four regions according to a shape not otherwise probable. Similarly, the electricity distribution boards are also planned on a regional basis and the special need for balance in their composition has again led to the delimitation of regions on principles not generally applicable. For higher education, regional areas have also been advocated and here again the university would be the centre. But regional areas still remain of a different order from those of local authority areas, and it does not seem likely even that there will be a tendency towards the evolution of a single set of multi-purpose regional areas, which could later be adopted for the election of regional councils, and thus become 'local authority' areas. For the needs of the services which were previously local government services and are now to be put on a regional basis are so specialized that they require particular and divergent regional areas. Further, the civil defence regions, which might, from their use during war-time by so many government departments, be regarded as multi-purpose areas are not delimited on the sort of principles relevant to local government, either by aggre-

<sup>1</sup> A. E. Smailes, 'The Urban Hierarchy in England and Wales', *Geography*, XXIX, pp. 40 sqq.

<sup>2</sup> Morning daily newspapers appear in Birmingham, Bradford, Brighton, Bristol, Darlington, Ipswich, Leamington, Leeds, Liverpool, Manchester, Newcastle, Norwich, Nottingham, Plymouth, Sheffield and Cardiff (*Newspaper Press Directory*, London, 1945, p. 45).

gation of communities from below, or on the needs of specific local government services. They were areas of deconcentrated central government, based on administrative division of the country from above. Joint bodies of local authorities using a regional area, like the West Midland Council for Further Education, are not common and in a sense these regional areas must still be regarded as outside the scope of local government.

### C. *The County Level*

Although the 'regional' level is above the plane of existing types of local authority areas, this is not the case with units of the second level. Analogous administrative units of this type can be appropriately contrasted with the areas of counties and county boroughs. Units which are the result of this type of division of the country may vary from 40 to 100, and their populations be counted on the average in hundreds of thousands. The relevance of this type of area to local government has been noted by Mr. E. W. Gilbert, who, referring to the forty-six telephone areas, observes: 'These subdivisions and their capitals, or area headquarters, are of considerable interest to geographers, as they approximate in size to the old counties, but are more in accordance with the geographical conditions of the present day.'<sup>1</sup> The description of area units of this type can be approached from two angles — from the centres upon which each of these methods of division is generally based, and upon a comparison of examples of the actual areas themselves in the various schemes of division.

Centres of population which form the focal point of areas of this type cannot be distinguished purely on grounds of population. The reason that population alone cannot serve as a criterion of a focal centre, exercising social and commercial influence over a certain area, is that in the large conurbations or in a thickly populated industrial area, a town may have a considerable population, but be overshadowed as a 'centre' by another even larger town close at hand. On the contrary, in the more thinly populated regions, a town may be of great social and commercial importance and be the centre of a wide area, even though its population is comparatively low, because of the absence of competing urban centres. One indication, however, of the sort of centre that qualifies on grounds of social importance for inclusion in this class is given by the presence of a daily evening

<sup>1</sup> Gilbert, *op. cit.*, p. 35.

newspaper. Just as the presence of a daily morning newspaper is one of the indications of a 'regional' or first-rank centre, so the daily evening newspaper can be treated as a sign of the second grade of centre. Evening daily newspapers are published in 59 centres outside the Greater London area — compared with 16 morning dailies.<sup>1</sup> Of these 59, 15 centres are the same as those for morning dailies, since the first-grade centre is also a second-grade centre in respect of a part of its 'regional' area.<sup>2</sup> Of the 59 centres some (like North Shields, and South Shields) do not generally come into the administrative schemes as centres because of their proximity to other larger centres, but, in general, this criterion of a daily evening newspaper seems to reflect the importance of the town as a centre of social grouping. Their populations range from those of regional centres like Birmingham down to the 28,000 of Workington, 32,000 of Weymouth or 35,000 of Kettering. In his 'Urban Hierarchy in England and Wales', Mr. A. E. Smailes has defined a class of 'secondary cities' which are great market centres and major shopping cities, but with spheres of influence more limited than those of the regional centres or major cities. There are nearly forty of them, and they represent those among the cities with evening dailies, which are equipped with large hospitals and are important administrative centres.<sup>3</sup> Of these, the lowest in populations are Gloucester (53,000) and Carlisle (57,000). When seeking to find some general principle relating to the radius of influence of centres of this class, it may be noted that the theoretical table of Christaller gives cities of 30,000 population which are 39 miles apart a radius of influence of about 20 miles or a total zone of 1500 square miles, and those of 100,000 which are 67.5 miles apart, a radius of 33 or 34 miles, or a total zone of 4500 square miles.<sup>4</sup> These figures are slightly higher than those which are generally applicable in England, which is a comparatively densely populated country. For instance, the radius of influence of Worcester as a county town has been estimated by the West Midland Group Survey at approximately 10 miles, and that of Exeter by the University College of Exeter Department of Geography as not generally exceeding

<sup>1</sup> *Newspaper Press Directory* (London, 1945, pp. 46-7).

<sup>2</sup> The one centre with a morning daily which does not also have an evening daily is Leamington, which is evidently an exceptional case, since it cannot be described as a 'regional' centre.

<sup>3</sup> *Geography*, XXIX (1944), pp. 40 sqq.

<sup>4</sup> Christaller, *op. cit.*



25 to 30 miles.<sup>1</sup> In certain cases the distance may be 50 miles or upwards, as when the area is thinly populated (e.g. North and Central Wales) or the centre is at one edge of its zone of influence. In general, the distance might be roughly estimated as between 10 and 50 miles, with perhaps 30-35 miles as an average. It may be noted that the sort of goods for which people travel to centres of this level may include children's clothing, 'better clothing', or furniture, and it is estimated that the distances people are prepared to travel for these commodities are: children's clothes 10 to 30 miles, better clothing 15-30 miles, cheap furniture 15-30 miles, better furniture 50-100 miles.<sup>2</sup> It is also interesting to note that Dr. William Farr calculated in 1873 that the 'average' county had sides 18 miles long, and a radius from centre to edge of 33 miles.<sup>3</sup> It is partly for this reason that this type of area is referred to in this study as of a 'county' type.

The other approach to the definition of this level of unit is to see the areas into which England has been divided for various administrative purposes. Three recently employed methods of division may serve to illustrate this point. First, in 1937 England and Wales were divided into 41 telephone areas, excluding those for Scotland and the London Postal Region. Secondly, in 1941 the National Fire Service was created and England and Wales divided into 37 fire force areas, again excluding those in the London Region. Thirdly, the McColvin Report on the organization of the public library system suggests for England and Wales (excluding Greater London) 61 'library units'. The similarity between these schemes on the one hand, and the fact that they are so frequently based on the secondary centres previously mentioned on the other, is noteworthy, and they also tend to differ in similar fashion in each case from the existing layout of county and county borough areas. In order to demonstrate this point, the following table lists the principal centres both for daily evening newspapers, and for the three service areas mentioned; they are arranged roughly (since boundaries overlap) by civil defence regions, and the counties and county boroughs covered are very approximately shown:

<sup>1</sup> *County Town*, pp. 11-12; *Exeter Phoenix*, pp. 52-4. For a detailed study of the zones of social and economic influence of two centres of this level in industrial areas, see R. E. Dickinson, 'The Regional Functions and Zones of Influence of Leeds and Bradford', *Geography* (1930), XV, pp. 548 sqq.

<sup>2</sup> A. W. Ashby, *op. cit.*

<sup>3</sup> Report of Select Committee on Parish, Union and County Boundaries (1873): Minutes of Evidence, p. 75.

## NORTHERN

*Newspaper**Centres:*<sup>1</sup>

*Newcastle, Middlesbrough, Darlington, Sunderland, West Hartlepool, North Shields, South Shields, Scarborough.*

*Telephone**Areas:*

1. Newcastle (Newcastle, Gateshead, North Shields, South Shields, and Sunderland C.B.s, Counties of Northumberland and North and Central Durham).
2. Middlesbrough (Hartlepoons, Middlesbrough, Darlington C.B.s, southern part of Durham, North Riding to Northallerton).

*Fire Force**Areas:*

1. Newcastle (Northumberland and Durham north of the Hartlepoons, with County Boroughs).
2. Middlesbrough (Tees-side area of Durham and North Riding including County Boroughs).

*Library Units:*

1. Newcastle (Northumberland with County Boroughs, Gateshead and South Shields C.B.s, and the Tyneside areas of Durham).
2. Durham (all County Durham, including Sunderland C.B., except Tyneside and Tees-side areas).
3. Middlesbrough (C.B.s of Middlesbrough and West Hartlepool, Tees-side areas of Durham and North Riding).

## NORTH EASTERN

*Newspaper**Centres:*

*Leeds, Sheffield, Bradford, Huddersfield, York, Hull, Halifax.*

*Telephone**Areas:*

1. York (North Riding from Thirsk southwards, East Riding, except Hull, north-eastern part of West Riding, including Harrogate and Selby, Hull and York C.B.s).

<sup>1</sup> *Italic type* indicates a 'major' or 'secondary' city according to Mr. Smailes' classification.

2. Leeds (Leeds, Wakefield, Dewsbury C.B.s and surrounding part of West Riding).
3. Bradford (Bradford, Halifax, Huddersfield C.Bs. and surrounding part of West Riding except part of western fringe round Todmorden and Saddleworth).
4. Sheffield (Sheffield, Rotherham, Barnsley C.B.s, North-east Derbyshire, including Chesterfield, North-west Nottinghamshire, including Work-sop).

*Fire Force  
Areas:*

1. Hull (including East Riding).
2. Leeds (including east of West Riding).
3. Bradford (including west of West Riding).
4. Sheffield (including south of West Riding).

*Library Units:*

1. York (North Riding except Tees-side; York C.B., north-east part of West Riding and Derwent R.D. in East Riding).
2. Hull (Hull C.B., East Riding, except Derwent R.D.).
3. Leeds (Leeds, Dewsbury C.B.s, immediate surroundings of Leeds and Dewsbury).
4. Wakefield (Barnsley, Doncaster, Wakefield C.B.s, east-central part of West Riding).
5. Bradford (Bradford C.B., west-central part of West Riding).
6. Huddersfield (Halifax, Huddersfield C.B.s, south-west part of West Riding).
7. Sheffield (Sheffield, Rotherham C.B.s, southern edge of West Riding).

**NORTH WESTERN**

*Newspaper  
Centres:*

*Carlisle, Workington, Barrow, Preston, Blackburn, Bolton, Oldham, Manchester, Liverpool, Blackpool.*

*Telephone  
Areas:*

1. Lancaster (Cumberland, Westmorland and Lancashire to Lancaster Bay).
2. Preston (West-central Lancs. including Preston,

- Blackpool, Southport and Wigan C.B.s, west of line from Clitheroe to Leigh).
3. Blackburn (East-central Lancs. including Burnley, Blackburn, Bolton C.B.s with Earby area of West Riding).
  4. Manchester (Manchester, Salford, Bury, Rochdale, Oldham, Stockport C.B.s, South-east Lancs., Todmorden area of West Riding, North-east Cheshire, North-west Derbyshire).
  5. Liverpool (Liverpool, Bootle, St. Helen's, Birkenhead, Wallasey, Warrington C.B.s with South-west Lancs. and Wirral area of Cheshire and Flintshire bank of Dee Estuary).
  6. Chester (Chester C.B., Western Cheshire and Flint, Denbigh, Caernarvon, Anglesey and Northern Merionethshire).

*Fire Force  
Areas:*

1. Preston, 2. Liverpool, 3. Manchester (there were previously separate forces for 4. Cumberland-Westmorland-North Lancs., 5. the Bolton area, 6. Cheshire-South-east Lancs. outside the Manchester 'inner ring' and 7. South-west Lancs. outside Merseyside).

- Library Units:*
1. Carlisle (Cumberland and Westmorland counties: Barrow C.B. and Bolton, Ulverston and Sedbergh districts of Lancs. and West Riding).
  2. Preston (Blackpool and Preston C.B.s, Lancashire from Morecambe Bay to Ribble).
  3. Blackburn (Blackburn and Burnley C.B.s and surrounding districts in East-central Lancs.).
  4. Rochdale (Oldham and Rochdale C.B.s and surrounding urban areas to Manchester).
  5. Bolton (Bolton and Bury C.Bs. with surrounding urban districts to north-west of Manchester).
  6. Wigan (Wigan and St. Helen's C.B.s with area between Manchester and Merseyside).
  7. Manchester (Manchester, Salford and Stockport C.B.s with urban areas in Lancs. and Cheshire).

8. Warrington (Warrington C.B. with Widnes and Runcorn).
9. Liverpool (Liverpool, Bootle and Southport C.B.s and Lancs. part of Merseyside).
10. Birkenhead (Birkenhead and Wallasey C.B. with Cheshire part of Merseyside).
11. Chester (County of Cheshire, less parts attached to Manchester, Birkenhead and Warrington, with Chester C.B.).

## NORTH MIDLAND

*Newspaper**Centres:*

*Derby, Grimsby, Lincoln, Nottingham, Leicester, Northampton, Kettering.*

*Telephone**Areas:*

1. Lincoln (Doncaster C.B. and surrounding areas of West Riding, Lindsey except southern edge, Lincoln C.B., north-eastern edge of Kesteven, north-eastern part of Nottinghamshire round Retford).
2. Nottingham (South and Central Notts. with Nottingham C.B., South-east Derby, North Leics.).
3. Leicester (Leicester C.B., Leicestershire, Burton-on-Trent C.B., western half of Rutland, north-western part of Northants).

*Fire Force**Areas:*

1. Lincoln (Lincoln C.B. and the three Parts).
2. Nottingham (Nottingham and Notts.).
3. Derby (Derbyshire).
4. Leicester (Leicester, Northants and the Soke of Peterborough).

- Library Units:*
1. Lincoln (Lincoln C.B., Lindsey and Kesteven, except Bourne and Stamford areas).
  2. Derby (Derby C.B. and Derbyshire except north-western part, but with Burton-on-Trent C.B. and Tutbury R.D. of Staffs.).
  3. Nottingham (Nottingham C.B. and Notts.).
  4. Leicester (Leicester C.B., Leics., and Rutland).
  5. Northampton (Northampton C.B. and Northants).

## EASTERN

*Newspaper**Centres:**Telephone**Areas:**Cambridge, Norwich, Ipswich.*

1. Peterborough (Holland, Central and Southern Kesteven, Ely, Hunts., Soke of Peterborough and Eastern Rutland).
2. Cambridge (West Norfolk, Cambs.; South-east Ely, West Suffolk, East Herts, North-west Essex).
3. Norwich (Norwich C.B., Central and Eastern Norfolk, north-eastern part of East Suffolk).
4. Colchester (Southern and Central East Suffolk with Ipswich C.B., South-eastern West Suffolk and Northern Essex, except Saffron Walden area).
5. Bedford (Beds., North Bucks., North-west Herts.).
6. Southend-on-Sea (Southend C.B., South Essex, including Chelmsford).

*Fire Force**Areas:*

1. Norwich (Norfolk and Suffolk).
2. Cambridge (Beds., Hunts., Cambs., and Herts.).
3. Southend (Essex).

*Library Units:*

1. Peterborough (Soke of Peterborough, Ely, Hunts., Holland and Bourne area of Kesteven).
2. Norwich (Norwich C.B. and Norfolk).
3. Ipswich (Ipswich C.B. and East Suffolk).
4. Cambridge (Cambs. and West Suffolk with Saffron Walden area of Essex).
5. Chelmsford (North and Central Essex).
6. Southend (South Essex).
7. Bedford (Beds., North Herts. and North Bucks.).

## WEST MIDLANDS

*Newspaper**Centres:*

*Birmingham, Stoke-on-Trent, Burton-on-Trent, Wolverhampton, Coventry, Worcester, Nuneaton.*



*Telephone  
Areas:*

1. Stoke-on-Trent (South-east Cheshire, North and Central Staffs with Stoke C.B.).
2. Birmingham (Birmingham C.B., South Staffs with 'Black Country', Worcester C.B. and Worcestershire, South-west Warwickshire).
3. Coventry (Coventry C.B., East and South-east Worcs., West Northants).

*Fire Force  
Areas:*

1. Stoke-on-Trent (North and Central Staffs.).
2. Wolverhampton (Black Country).
3. Birmingham.
4. Worcester (Worcs., Herefordshire and South Warwickshire.).

- Library Units:*
1. Stoke-on-Trent (Stoke C.B. and North and Central Staffs.).
  2. Wolverhampton (Dudley, Walsall, Wolverhampton C.B.s with South Staffs. and North Worcs.).
  3. Birmingham (Birmingham, Smethwick, West Bromwich C.B. with Sutton Coldfield and Solihull in Warwickshire.).
  4. Coventry (Coventry C.B. and rest of Warwickshire.).
  5. Shrewsbury (Shropshire).
  6. Worcester (Worcester C.B., Central and South Worcs., Herefordshire).

## WALES

*Newspaper**Centres:**Cardiff, Newport, Swansea.**Telephone**Areas:*

1. Chester (see under North Western Region).
2. Shrewsbury (Shropshire, Montgomeryshire, Southern Merionethshire, Northern Cardiganshire, Radnorshire, North Breconshire, Herefordshire).
3. Swansea (Swansea C.B., Western Glamorgan, Carmarthenshire, Pembrokeshire, South Cardiganshire).
4. Cardiff (Cardiff C.B., and Central and Eastern

Glamorgan, Newport C.B. and Monmouthshire, Southern Breconshire).

*Fire Force*

*Areas:*

1. Colwyn (North Wales).
2. Swansea (South-west Wales).
3. Cardiff (South-east Wales).

*Library Units:*

1. Wrexham (Denbigh and Flint).
2. Aberystwyth (Anglesey, Caernarvon, Merioneth, Montgomery, Radnor, Cardigan, Brecon, Pembroke, West and Central Carmarthen).
3. Swansea (Swansea C.B., East Carmarthen, West Glamorgan).
4. Cardiff (Cardiff and Merthyr C.B.s, Central and East Glamorgan).
5. Newport (Newport C.B. and Monmouthshire).

SOUTH WESTERN

*Newspaper*

*Centres:*

*Gloucester, Cheltenham, Bristol, Swindon, Bath, Exeter, Torquay, Plymouth.*

*Telephone*

*Areas:*

1. Gloucester (North-central Glos., with Gloucester C.B., Western Berks., North-east Wilts.).
2. Bristol (Bristol C.B., Bath C.B., North and East Somerset, South Glos., North-west Wilts.).
3. Taunton (Bideford and Barnstaple areas of Devon, North-west Dorset and Western Somerset).
4. Exeter (Lyme Regis area of Dorset, Exeter C.B., Central, Eastern and South-eastern Devon).
5. Plymouth (South-west Devon, Plymouth C.B. and Cornwall).

*Fire Force*

*Areas:*

1. Bristol (Bristol C.B., South Glos. and Wilts.).
2. Taunton (Somerset).
3. Exeter (Exeter C.B. and Devon, except south-west).
4. Plymouth (Plymouth C.B., South-west Devon and Cornwall).

- Library Units:*
1. Gloucester (Gloucester C.B., Gloucestershire except southern area by Bristol).
  2. Bristol (Bristol C.B., South Glos., and North-east Somerset).
  3. Bath (Bath C.B., East Somerset, North Wilts.).
  4. Taunton (Western and Central Somerset).
  5. Exeter (Devon, except south-west, and Exeter C.B.).
  6. Plymouth (Plymouth C.B., South-west Devon, and Cornwall).

## SOUTHERN

*Newspaper**Centres:*

*Oxford, Portsmouth, Southampton, Bournemouth, Weymouth.*

*Telephone**Areas:*

1. Oxford (Oxford C.B., Oxon., South Bucks., North-east Berks.).
2. Reading (South-west Bucks., Reading C.B., Henley area of Oxon., South-west Berks.).
3. Portsmouth (Portsmouth C.B., South-east Hants., western part of West Sussex).
4. Southampton (Central Hants. with Southampton C.B. and South-east Wilts.).
5. Bournemouth (Bournemouth C.B., New Forest area of Hants., Dorset, except extreme west, and South-west Wilts.).

*Fire Force**Areas:*

1. Oxford (Berks., Bucks., and Oxon. with Oxford and Reading C.B.s).
2. Portsmouth (Portsmouth C.B. and West Sussex).
3. Southampton (Southampton C.B. and Central Hants).

- Library Units:*
1. Oxford (Oxford C.B., Oxon., except Henley with Abingdon and Faringdon area of Berks. and Buckingham of Bucks.).
  2. Reading (Central and South Berks., Reading C.B., Western Bucks., North Hants., and Henley district of Oxon.).

3. Portsmouth (Portsmouth C.B., South-east Hants, and most of West Sussex).
4. Southampton (Southampton C.B., Central Hants., South Wilts).
5. Bournemouth (Dorsetshire, Bournemouth C.B., South-west Hants).

## SOUTH EASTERN

*Newspaper**Centres:**Brighton.**Telephone**Areas:*

1. Guildford (West Surrey, North-east Hants, South-east Berks).
2. Brighton (Brighton C.B., Eastbourne C.B., eastern part of West Sussex, central part of East Sussex).
3. Tunbridge Wells (Hastings C.B., eastern part of East Sussex, Southern Kent).
4. Canterbury (Canterbury C.B. and rest of Kent not in London or Tunbridge Wells areas).

*Fire Force**Areas:*

1. Portsmouth (East Hants and West Sussex).
2. Brighton (Brighton C.B. and East Sussex).
3. Maidstone (Kent).

*Library Units:*

1. Portsmouth (Portsmouth C.B. and most of West Sussex).
2. Brighton (Brighton C.B., Worthing area of East Sussex, western part of East Sussex).
3. Eastbourne (Eastbourne C.B. and eastern part of East Sussex).
4. Canterbury (Canterbury C.B. with South and East Kent).
5. Maidstone (South-west Kent).
6. Gillingham (Medway area of Kent).

It will be seen that the greatest divergences between the schemes of division occur in the treatment of the main industrial areas; in the rural or mixed urban-and-rural areas there is often a general coincidence, though only, of course, in a broad sense. The reason for the differences in conurbations is, as has been previously pointed out,

that if the criterion be mere spatial extent, then the conurbation as a whole (Greater Manchester and District, Merseyside, or the Black Country, for instance) will be treated as a single unit, corresponding to such units as Plymouth with Cornwall, or Devon. But if the criterion is population, then the conurbation is broken up into parts each with a population of probably about half a million. A further example of this can be seen from the recommendations for hospital districts put forward in the Regional Hospital Surveys. This service is one where the population criterion is, as has been shown, of extreme importance, and it is therefore to be expected that the North Western Survey, for instance, breaks up the greater Merseyside conurbation as defined by Professor Fawcett into two hospital districts — one based on Liverpool and Bootle, the other on Birkenhead and Wallasey;<sup>1</sup> if the area of the South West Lancs Joint Planning Committee<sup>2</sup> or the Regional Plan for Merseyside<sup>3</sup> be taken, then the Southport Hospital District should be counted. The case of Manchester is also to the point. Professor Fawcett's conurbation has not only an 'inner ring' based on Manchester and Salford, but an 'outer ring', including Bolton, Bury, Oldham, Rochdale and Stockport County Boroughs. A similar, though larger, area (including Warrington County Borough) was adopted for the Manchester and District Joint Town Planning Advisory Committee.<sup>4</sup> But for hospital districts, this area was broken up in the North-Western Regional Survey into seven units, based on Manchester,<sup>5</sup> Warrington, Bolton, Bury, Rochdale, Oldham and Stockport.<sup>6</sup> In all, the North-West Region was divided in the Hospital Survey into twenty districts, compared with the five or six in the table listed above. But the five 'territorial

<sup>1</sup> See C. B. Fawcett, 'British Conurbations in 1921', *Sociological Review*, April 1922, and 'Distribution of the Urban Population in Great Britain, 1931', *Geographical Journal*, February 1932.

<sup>2</sup> *Future of S.W. Lancs.* (London, 1931), pp. 5, 11.

<sup>3</sup> Merseyside Plan, 1944 (H.M.S.O., 1945), p. 1.

<sup>4</sup> Report, March 1926.

<sup>5</sup> It was suggested that the Eccles-Swinton area and that of Ashton-Mossley could form separate districts.

<sup>6</sup> These units closely resemble the areas of the group sub-committees which prepared the 1926 Manchester Plan (Manchester-Salford, Warrington-Leigh, Bolton, etc., Bury, etc., Rochdale, etc., Oldham, etc., Ashton-Dukinfield-Hyde-Glossop, Stockport-Macclesfield and Altrincham-Bucklow) or the area committees suggested to execute the plan (cf. *ibid.*, pp. 143, 163). Joint planning committees now operate in South East Lancs for Manchester and District, Wigan and District, Bolton and District, Leigh and District, Oldham and District, Bury and District, Rochdale and District (cf. M. J. Hellier, 'Planning and Control of Developments affecting Highways' in *Journal of the Institute of Municipal and County Engineers*, July 18th, 1939).

units' of hospital districts, in the same survey — North of Ribble, Eastern (Bolton, Bury, Rochdale), Central (Wigan, St. Helen's, Warrington), Manchester and Liverpool, resemble the groupings in the table given above. Similarly the Black Country, which figures as a single unit in the other schemes, is divided into four hospital districts.<sup>1</sup> But going outside the industrial areas into the areas where spatial extent rather than population is the criterion, the Hospital Survey districts resemble much more the three types of units listed above. Thus the Eastern Regional Survey's division into three areas, based on Cambridge, Norwich and Ipswich, is reminiscent of the schemes listed above, as also, to take another example, is the division of the South Western Region into six areas based on Bristol, Gloucester, Bath, Exeter, Plymouth and West Cornwall.

It would thus appear that areas of this level would correspond, from the population point of view, with the hospital district type of area or 'second-level' unit in health service organization; also of similar rank are the library units, the major areas of educational administration, and the major areas of police force administration, to cite analogies from those quoted in Chapter X when discussing the types of service whose areas can be determined by population requirements.

All those units of administration for the local government services which require a population of 100,000 or upwards evidently fit into the hierarchy of community structure at this level. Of similar rank also are some of the larger joint authority areas, for instance, those for mental hospitals or some of the regional planning schemes. As regards proposals for the reform of local government structure it is difficult to fit them to such a classification of areas as is undertaken here, since the majority of schemes do not give details about the number and size of the actual units envisaged. But the 'regions' of the Labour Party scheme would perhaps be similar to this level of area, and so probably would be the 'provinces' and 'city-provinces' of Professor Cole's scheme.

One might sum up the contrast between the areas of counties and county boroughs on the one hand and these social and administrative areas of comparable level on the other, by observing two points. First, whereas the counties and county boroughs are devised by the

<sup>1</sup> These — Wolverhampton, Walsall, West Bromwich and Dudley — bear a remarkable resemblance to the four units in a scheme for dividing up the conurbation into four enlarged county boroughs (see *Midland Chronicle and Free Press*, Friday, June 28th, 1946) prepared by the five county boroughs concerned.



separation of urban and rural areas, these areas are based for the most part on the important urban centres and extend for a considerable continuous area around them. Thus, in all of them except those which are purely conurbations there is an integration of urban and rural components. In the urban areas, such as South and Central Lancashire, the West Riding and the Black Country, the administrative schemes show areas which are virtually urban 'counties', while the local government map gives these areas partly to county boroughs of varying sizes and partly to the county councils, whose areas surround the county boroughs and are 'sandwiched' in the interstices between them. Secondly, because these areas are defined by relation to their centres, they overlap the county boundaries in nearly every case. This tendency is aggravated by the fact that rivers so often form the county boundary. Sometimes this might be altered by a slight modification of the county boundary or of the new administrative area's boundary without probable loss of efficiency or convenience. But there are some cases when the difficulty is fundamental. Thus the natural boundary between Durham and the North Riding runs, not along the river Tees, but along the Cleveland Hills to the south. The County of Wiltshire looks, not to any centre within its own borders, but outwards to Bath, towards Hampshire and towards Oxford. The radius of influence of Portsmouth extends into West Sussex as much as into Hampshire, as that of Bournemouth does into Dorset. In the case of the Welsh counties, they are too small in population (apart from Glamorgan and Monmouth) not to be grouped for the purposes of administration which these areas are created to serve. Again, the situation of important centres like Peterborough or Cambridge in very small counties leads to the inevitable overlapping of county boundaries. One might perhaps infer that, if the boundaries of the English counties had been drawn a thousand years later than they in fact were, they would resemble a mean between the boundaries of the various social and administrative areas of the types described above.

#### *D. The District Level*

The third level of community structure at which it is proposed to make a comparison between the units of local government and those of social grouping and of other forms of administration, is that of the district. It is impossible to give anything approximating to an exact

figure for these units, but perhaps the poor law union areas, of which there were about 650, may serve as a norm, and from this it may be possible to get some idea of the numbers of units in this class, and thus of their varying composition according to the types of area in which they are situated. Comparable with the poor law union areas in the field of local government are the areas of such bodies as divisional educational executives or guardians committees; so also are many of the smaller group of joint authorities, especially, for instance, the joint planning committees composed of representatives of district councils and the county councils under a county scheme. It is not possible to give an estimate of the number of these units that will be significant for purposes of comparison, since they do not exist all over the country. But there are some units of national organizations which are found in all areas alike. Among the deconcentrated services of central government, such units are found in the county court districts, of which there are about 435,<sup>1</sup> these being rather larger and less numerous than the norm; on the other hand the petty sessional divisions are smaller and more numerous, there being 746 county petty sessional divisions in 1946.<sup>2</sup> The areas of the 450 head postmasters are below the norm, those of the 650 inspectors of taxes approximate to it.

From the point of view of social grouping, a useful criterion may be the publication at the centre of the district of a *weekly* newspaper, whose area of circulation and the area from which it regularly prints items of local news would be roughly co-extensive with the district. The number of centres at which weekly newspapers are published is about 460 for England and 50 for Wales, again giving a general rough total of about 500 social units of this level.<sup>3</sup>

As far as the social structure in urban areas is concerned, this level of area would correspond to the existing 'community' units into which conurbations have been broken up by the analytic methods of the physical planners, or the new 'community units', with populations of 50,000 or 60,000, which are put forward as a suitable basis

<sup>1</sup> 433 in 1936 (R. M. Jackson, *The Machinery of Justice in England* (Cambridge, 1942, p. 25). The 1945 *Law List* gives about 23 courts in the London area, 346 elsewhere in England and 54 in Wales.

<sup>2</sup> Royal Commission on Justices of the Peace: Appendix I to Minutes of Evidence, p. 3. There are also 251 borough sessions, but these are not counted because they generally sit in the same town as a county petty sessional division.

<sup>3</sup> These figures are based on an analysis of the information given in the *Newspaper Press Directory* (London, 1945).

for schemes of reconstruction; it may also be noted that this figure of 50,000 or 60,000 is the one generally advocated for the new towns, on the ground that it is a suitable population for a self-contained community. This figure of population leads on to a consideration of where this level of community structure fits into the hierarchy of service areas discussed in Chapter X. Just as the major areas — such as those for the organization of education or libraries, or the provision of a general hospital or a police force — fit into the second level of the hierarchy of communities, so this third level corresponds broadly to that of the divisional area within the major area for these services. That is the sort of area served by a district education executive, or a branch library, and corresponding to the type of area of a 'local' hospital or health centre, and the 'division' of a county police force. It will be recalled that the population needed for this type of service area — as estimated in Chapter X — varied from about 20,000 to 60,000 or upwards, with 50,000 as perhaps a norm.

The nature of the units of this level will vary according to the density of the population in the wider area in which they are situated. In the conurbations they would correspond to a purely urban district, surrounded by similar urban districts. Elsewhere the unit might be a large town with the immediate fringe of rural territory surrounding it or a group of neighbouring urban districts. Again, and these are perhaps the most frequent instances, the unit is composed of an urban centre, with a considerable rural territory of which it is the centre. Finally, the entire unit may be composed of rural land. The nature and territorial extent of the examples of this unit will obviously vary from case to case, and in the dividing up of a particular tract of country, different organizations will often adopt varying methods, one employing five units, another six, perhaps another seven. But beneath these superficial variations there is a basic similarity between the examples of units of this level, enabling a common type of area to be seen underlying them. Just as the figure 50,000 might be taken as a rough norm or median figure for units of this class, an attempt may be made to get an approximate idea of this area. The starting point could be the area of a union: Dr. William Farr, in 1873, estimated the average union area as a square of 10-mile sides, with a radius from the centre of  $5\frac{1}{2}$  miles.<sup>1</sup>

<sup>1</sup> 1873 Select Committee on Parish Union and County boundaries: Minutes of Evidence, p. 75.

It is possible to form some idea of the general dimensions of units of this type, or at least of those in the rural or semi-rural areas. Here the definition of the units depends upon the estimate of the radius of influence of urban centres of certain classes — in particular of the market town. These types of centre correspond to the 470 'towns' and some of the 230 'sub-towns' of the 'Urban Hierarchy' of Mr. A. E. Smailes; the criterion for the former is the complete possession of such social and economic services as banks, secondary schools, a local hospital, cinemas, and a weekly newspaper, while the latter possess some but not all of these attributes.<sup>1</sup> As a general rule, the radius of influence of such service centres would be 5 to 10 miles. Thus it is estimated that when people have to travel to an urban centre for certain food necessities, pharmaceutical goods, they go 8 miles, and for working clothes, cheap jewellery, household equipment or a local branch of a bank they go 10 miles.<sup>2</sup> All these services are of the kind that one would expect to find in an urban centre of the type of the market town. It may be observed that in Christaller's theoretical table of urban centres, third grade centres of 4000 population are spaced at 13-mile intervals, with a radius of influence of about  $6\frac{1}{2}$  miles and a total area of influence of 160 square miles, while fourth grade centres of 10,000 population are spaced at intervals of  $22\frac{1}{2}$  miles with a radius of  $11\frac{1}{4}$  miles and a total area of 470 square miles.<sup>3</sup> These figures are, of course, purely theoretical and are rather higher than those applicable to English conditions. The general principle has been, however, found applicable to English rural areas in the investigations of two separate areas, East Anglia and Herefordshire. Dr. R. E. Dickinson's classification of the market towns and market areas of East Anglia<sup>4</sup> showed the 'Grade I market towns' which — apart from county towns serving as market centres for their immediate surroundings — had populations of 5000-10,000

<sup>1</sup> A. E. Smailes, 'The Urban Hierarchy in England and Wales', *Geography* (1944), XXIX, pp. 40 sqq.

<sup>2</sup> A. W. Ashby, 'Effects of Urban Growth on the Countryside', *Sociological Review* (1934), XXXI, p. 350.

<sup>3</sup> See W. Christaller, *Die Zentralen Orte in Süddeutschland* (Jena, 1933), pp. 66 sqq., cited by R. E. Dickinson, 'The Social Basis of Physical Planning', *Sociological Review* (1942), XXXIV, pp. 62-3.

<sup>4</sup> See R. E. Dickinson, 'Distribution and Functions of the Smaller Urban Settlements of East Anglia', *Geography* (1932), XVII, pp. 19 sqq.; also 'Distribution of Livestock Markets in England and Wales', *Geography* (1931), pp. 187 sqq., and 'The Markets and Market Area of Bury St. Edmunds', *Sociological Review* (1930), pp. 292 sqq.

and that these 'fully-fledged' towns were spaced at intervals of about 15 to 20 miles (with consequent radii of influence of about 7 to 10 miles). There were about seventeen of them in Norfolk, Suffolk and Essex;<sup>1</sup> their characteristics were the possession of at least three banks, a general livestock market (over 10,000 head annually), a cinema, a weekly newspaper and a secondary school.<sup>2</sup> The West Midland Group's survey of Herefordshire, though it does not explicitly refer either to Christaller or to East Anglia, in fact bears out the general principle of a species of service centre. The centres are smaller than those of East Anglia in respect of population and indeed approximate more to those of Christaller, since the county town (Grade V in Christaller's hierarchy, with a population of 30,000, and a distance of about 40 miles to the next equivalent centre) is Hereford (with about 24,000 population and a radius of about 16 miles, with 30-35 miles to the nearest comparable centres), and the five market centres have, with one exception, populations of between 1500 and 5000 only. It must be assumed, however, that these correspond to the rather more populous full towns of East Anglia, since they all have such significant characteristics as a weekly newspaper, at least one secondary school, a county court, a branch of the county library and a local hospital; the lower population is probably due to the lower density of population in the county as a whole. The county town and the five market towns are regularly spaced at intervals of 12 to 14 miles, except in the south-west of the county where the Black Mountains' interposition of a thinly peopled zone puts the distance up to about twenty miles. It will be observed that the 4000 population town of Christaller is thirteen miles from its next counterpart. The areas of influence of the Herefordshire centres were calculated by reference to the places of origin of borrowers at the local branch of

<sup>1</sup> They included King's Lynn, Norwich, Yarmouth, Fakenham, North Walsham and Diss in Norfolk; Beccles, Halesworth, Bury St. Edmunds, Stowmarket and Ipswich in Suffolk; Saffron Walden, Braintree, Colchester, Romford and Chelmsford in Essex.

<sup>2</sup> If the eighty-odd lesser market centres with populations of 1000 to 4000 are included, then the spacing of towns in East Anglia is at about six to eight miles intervals. This spacing is reminiscent of the medieval statutory prohibition on the establishment of a market within  $6\frac{1}{2}$  miles of another market. The radius of the medieval market was about three to four miles, the distance that could be covered by a farmer who had to drive his cattle to market and return at a walking pace on the same day. The nineteenth century, with the development of mechanical transport and the reduction in the numbers of the rural population, saw the reduction of the effective total of market centres by the decay of many centres and the doubling of the radius of those that survived.

the county library, the additional bus services on market days and the areas tributary to secondary schools, and the average radius of influence of the market centres was found to be  $6\frac{2}{3}$  miles with an average population in the area — outside the urban centre itself — of about 11,000.<sup>1</sup>

It seems, therefore, that within the geographical county there is an order of units representing a rather different area according to the purpose which the unit has to fulfil. Thus there are at this level units of social grouping as instanced by the area of circulation of the weekly newspaper or the area of influence of the marketing centre. There are the local government service units — as instanced by areas of the branch of the county library, the local hospital, the divisional education executive, the guardians committee, the registration district, or the division of the county police force; in some cases the formation of a joint authority or committee for such a purpose as town and country planning further emphasizes the importance of this type of geographical unit for local government purposes. There are the units of central government administration, as instanced by the county court district, the head post office area, the local income tax inspector's area. In spite of the fact that the boundaries of these areas almost inevitably overlap, and that they vary very considerably in extent, there is a basic similarity and substantial coincidence between them, especially when they are contrasted with social or administrative units below or above them in the scale of areas. Perhaps some idea of this general similarity, despite the innumerable detailed overlappings, can be gained by listing a few of the comparable types of unit in a single county, which because it contains both urban and rural components may be regarded as perhaps not untypical for the country as a whole. In Nottinghamshire there are 6 centres having weekly newspapers (Nottingham, East Retford, Worksop, Mansfield, Hucknall, Newark), 5 county court districts (Nottingham, East Retford, Worksop, Mansfield, Newark), 7 petty sessional divisions of the county (Bingham, Mansfield, Newark, Nottingham, East Retford, Southwell, Worksop),<sup>2</sup> 8 registration districts (East Retford, Worksop, Mansfield, Basford, Nottingham, Southwell, Newark, Bingham), 5 divisions of the county police

<sup>1</sup> See *English County: A Planning Survey of Herefordshire* (London, 1946), esp. pp. 203, 210-14.

<sup>2</sup> The borough sessions at Nottingham, Newark, Mansfield and Retford are not counted as they are held at the same centres as the county divisions.



(Nottingham, Mansfield, Newark, Retford, Worksop), 5 hospitals (Nottingham, Mansfield, Worksop, Newark, Retford); the administrative county is also covered by 5 joint planning executive committees and 5 guardians committees.<sup>1</sup>

How do the social and administrative areas of this level compare with the comparable local government areas — those of boroughs and urban and rural districts? First, they frequently overlap the county boundaries — this being particularly noticeable in the case of units like the county court districts, which are not bound in any way to local government units. Secondly, if the county borough serves as a social and administrative centre of this level, for its immediate neighbourhood, then the areas of social grouping or of the administrative services based upon it will extend beyond the county borough boundaries into the administrative county. Thirdly, when the question of the overlapping of the border between a county and a county borough or between two counties is not involved, then the principal deviation from the areas of the local government authorities is that this type of social and administrative unit will probably comprise a borough or urban district as centre, and a rural district or districts or, more probably, portions of one or more rural districts as well. Formerly, when the rural district boundaries followed the union boundaries, themselves based largely on the 'market areas' as they were in 1834, there was more coincidence between rural district areas and the administrative and social units described above. Since, however, the changes made in the Review Orders in the 1930s (as described in Chapter VI *supra*) many of the old union boundaries within the counties have been lost in the formation of the new larger rural districts, and it is probable that rural district boundaries correspond less than formerly to the boundaries of the units of these administrative organizations not tied to local government. In the case of joint authority areas or of statutory combinations of districts like guardians committees, of course, the units will generally be merely combinations of boroughs and districts, but when it is a question of social grouping merely, as with the circulation of weekly newspapers or the places to which people come to shop, market or obtain amusement, or of administrative bodies unconnected with local government, then the difference between the local authority

<sup>1</sup> Information about Nottinghamshire is taken from the 1939 *Kelly's Directory*, the *Newspaper Press Directory* (1945) and the *Municipal Year Book* (1946).

areas of the rank of the borough or district on the one hand, and of the administrative and social units of comparable level on the other, tends to be not merely a distinction of size, but also of kind. These latter units are based upon the influence of urban centres over their surrounding territory and the modern facilities of transport and communication; the local authority areas are founded upon the separation between urban and rural areas and are segregated within the traditional boundaries of the administrative counties.

#### *E. Urban and Rural Neighbourhoods*

This fourth level of the community structure is brought into the discussion, not because it represents existing units of administration, but because of the proposals that have been made for creating, within the existing local authority areas, smaller groupings of the urban and rural population. The administrative — or rather electoral — subdivision of the urban local authority is the ward, and it is interesting to note that in 1913 it was suggested that the ward should be adopted as a minor unit of social and local government organization. In a paper before the Sociological Society, on November 25th, 1913, F. G. D'Aeth suggested that the ward, of which the ideal population would be 5000 to 10,000, should serve as a basis for the organization of social institutions, with a local council to promote its welfare.<sup>1</sup> This idea of a social grouping within the larger urban community is now familiar from the exposition of the principle of the neighbourhood unit — in the planning schemes for physical reconstruction; the population of 5000 to 10,000 postulated for these units is based on the population needed for the provision of primary schools, and, perhaps to some extent, of a community centre. It need only be mentioned that several of the schemes for the recasting of the local government structure emphasize the need for some smaller urban unit, upon which the communal spirit of the local inhabitants can be focused, and which could be given certain powers and duties in relation to the administration of services of local interest such as communal feeding, or the promotion of local physical and cultural amenities: this line of argument has no doubt been strengthened by the experience of closely-knit small urban groups in the civil defence organization.

<sup>1</sup> 'The Unit of Social Organization in a Large Town', *Sociological Review* (1914), VII, pp. 23 sqq.

The social unit then of this grade in urban areas will be a subdivision of the existing local government unit — the borough or urban district. In the mixed urban and rural area a small town of 5000 to 10,000 population might by itself be considered as equivalent to a single social unit. But when the social unit of this grade is sought in the purely rural areas, it can generally only be found by grouping together existing local government units — the rural civil parishes. Just as there are proposals for giving some sort of administrative status to a social entity which is a part of the urban local government unit, so too there have been proposals for making a rural administrative unit from an existing social unit which is greater than the rural local government units. The difficulty met in attempting to revive local government in the countryside is that the population of the average civil parish is too small to support the necessary institutions. Hence, the proposals for remedying this proceed either by the concentration of the rural population into larger and more compact settlements, or increasing the size of existing settlements by adding a suitable number of persons dispersed from urban areas, or alternatively grouping a number of rural parishes to form units capable of supporting the administrative work or social institutions envisaged. Thus, in an article published in 1917, H. J. E. Peake suggested that in order to enable village institutions to be run adequately, the minimum size of a rural settlement would need to be 1000, though 1200 would be better, or possibly 1500 or even 2000. He suggested that where — as in Wessex — townships or civil parishes were rarely less than two or more than three square miles, with a population of 300 or under, then four or five of them could be combined into a unit roughly nine square miles in all; perhaps if there were barren heath or woodland the area would be as much as 25 square miles. But the required population of 1000 or upwards would be obtained, and no person, even in an outlying part, would be more than about  $1\frac{1}{2}$  to 2 miles (or if there were waste land  $2\frac{1}{2}$  to 3 miles) from the centre of the unit.<sup>1</sup> This calculation of the population needed for a rural unit has been followed by subsequent authorities. For instance, Professor Fawcett's 'vill' would be based on the computation that 1200 to 2400 is a desirable range for a settlement unit.<sup>2</sup>

<sup>1</sup> H. J. E. Peake, 'Regrouping of the Rural Population', *Geographical Teacher* (1917), IX, pp. 71 sqq.

<sup>2</sup> *A Residential Unit for Town and Country Planning* (1944), p. 33.

If the possibility is not available of increasing the population of the village by bringing in new population, then the remedy suggested to provide an adequate unit for the provision of social institutions, or perhaps for administrative purposes, is to group the parishes. The process would, it has been suggested, be facilitated by using the numerous 'urban villages' of population between about 750 and 1000 which could be grouped into a unit with the neighbouring villages or hamlets within two or three miles radius. 'The "market district", as defined by Christaller from his detailed studies in Germany, has a radius of about three miles, and a population of 1600 to 2700 inhabitants. Its centre, the small market town, corresponds with the market town of 1000 inhabitants. This also corresponds in East Anglia with the small town with between 1000 and 2000 inhabitants, or, indeed, with the urban village with 250 to 1000 inhabitants. This nucleus, together with the half-dozen or more villages served by it, forms a district with a total population of about 2000 to 3000 in East Anglia, and this figure may be taken as typical of other areas in Britain with the same density of population. It seems that such a district might serve as a suitable unit area in a new system of administrative units.'<sup>1</sup> Such a scheme has in fact been worked out for the rural areas of Herefordshire in the West Midland Group Survey. Of the County's 244 rural parishes, only four have over 1000 population, the average being about 280; there are only two 'urban villages', the characteristic large villages, of which there are about 36, having 250 to 500 inhabitants, while the 50 small ones have 100 to 250. It was felt that the rural social and administrative unit needed a population of 1000 or 1500. 'There is a need for some centre intermediate in size and function between the market town and the small village or hamlet, where the country dweller would find some range of retail shopping facilities, and opportunities for adult education and recreation, and where some of the essential services, e.g. health centre, centre for secondary education under the provisions of the 1944 Act, and possibly machinery depots, might be located.'<sup>2</sup> Hence the suggestion is for the recognition of a new unit — 'the community of villages' — of which there would be about nineteen in Herefordshire based on the existing settlement pattern, and

<sup>1</sup> R. E. Dickinson, 'Social Basis of Physical Planning', *Sociological Review* (1942), XXXIV, p. 67.

<sup>2</sup> *English County*, pp. 191-2.

centred in the market towns or larger villages. There would be four to eight rural parishes in each, with areas varying from 12-25 square miles in the lowlands to 20-35 square miles in the thinly peopled uplands.<sup>1</sup> The average population would be 2200, with an average radius of three miles; services provided would include a large primary school, adult class, 'village college', pre-natal, maternity and child welfare clinics.<sup>2</sup>

The significance of this new type of rural social grouping has been put by Mr. Henry Morriss, whose Cambridgeshire village colleges are based on this principle. 'The independent village has gone for ever. The only alternative to the complete subordination of the countryside to the town is the adoption of the rural region as a cultural and social unit, parallel to that of the town. The choice is no longer between village and town, but between the rural region and the town... Modern transport... can make the rural region compact and accessible from all points, and can weld it into a genuine social unity. Indeed, one type of rural region, namely, the small country town of two or three thousand people and its adjacent villages, already exists as a traditional and geographical unit in the English countryside — transport will serve to reinforce it. The other kind of rural region, a group of villages centring round a large village, can, I suggest, be made into a no less successful cultural and social unit.'<sup>3</sup>

The areas which are served by the Cambridgeshire village colleges — combining premises for a secondary school and centre for adult education and recreation — are rather larger than those apparently envisaged by those who have produced the proposals cited above for a grouping of civil parishes into units. This may be because there are no market towns in Cambridgeshire, and therefore the 'rural region' there tends to be a parallel to the market town area rather than an intermediate area between that of the market centre and that of the individual village. Thus, for example, the Impington Village College serves ten villages, in an area with a total population of about 7500 within an average radius of five miles, though the majority of adults attending come, it is stated, from within a radius of two miles.<sup>4</sup>

<sup>1</sup> Ibid., p. 202. Twenty-six of the new units would be wholly in Herefordshire, 9 partly in other neighbouring counties.

<sup>2</sup> Ibid., p. 214.

<sup>3</sup> H. Morriss, 'The Rural Region', *Public Administration* (1938), p. 400.

<sup>4</sup> F. and G. Stephenson: *Community Centres* (London, 1942), pp. 30, 32,

The social units at this fourth level are, it must be stressed again, not of present significance from the administrative point of view, but the proposals and trends listed above show their potential relationship to local government. It is for that reason that it seemed desirable to show the comparison between them and local government areas. This may be summed up by saying that in the urban areas the neighbourhood unit is a subdivision of the existing unit — the borough or urban district council, while in the rural areas it represents a combination of several local government units — the civil parishes.

#### *F. General Conclusions*

The object of this chapter has been to show the contrast between the structure of local government areas on the one hand and, on the other, the pattern of areas used by administrative organizations or of social groupings of the population, which could properly be compared with local government areas. It was also sometimes possible to relate this contrast to the grades of area required for the administration of certain local government services and to show how these could be fitted in at appropriate places in the hierarchic structure of communities. It seems significant to note the contrast between the structure of local government areas and that of analogous administrative or social areas because both types of area are necessarily an essay in the attempt to solve the relationship between administrative or social life and geography. Yet the contrast is not intended to suggest that the local authority area should, or should not, be altered, much less that it should be made to conform to one or more of the other administrative or social area patterns depicted.

It is, however, suggested that there is a considerable body of material upon the social and geographic background to local government, and that the various items of evidence do tend to point to broadly similar conclusions, which might well be taken into consideration in the event of a future recasting of local government areas. First must be put the evidence afforded by developments within local government itself, especially the attempt to create new areas of administration by the constitution of joint authorities and the making of arrangements between local authorities, whereby one authority provides services outside its own area. Secondly, the areas adopted by similar administrative organizations are of relevance, because they



often have similar problems to handle in the dividing up of territory for the exercise of their functions. The convenience of both officials and public has presumably been studied, and thus the areas adopted by these organizations will to some extent at least reflect the provision of transport facilities and the relative ease of accessibility of different centres — factors which should be taken into account if broader areas of local government are to be delimited. Thirdly, the evidence of the existence of 'natural communities' or of the radius of influence of urban centres is of cardinal importance. The feeling of community possessed by the inhabitants of a local government area may influence the interest they take in local government, and the fact that the centre of their local administration is also that centre to which they habitually resort for business, shopping or entertainment should both stimulate and facilitate that interest. 'No principle of political organization is more firmly established than the maxim that the areas of public administration should approximate to the areas of diurnal movement.'<sup>1</sup>

In this connection it is important to stress the difference in connotation between the idea of a conscious local community now and a century ago. Then, as was pointed out in the review of local government in 1834, the conscious local community was that of a village, or a town — the compact urban group. But now, with the development of modern transport, the inhabitants of the surrounding territory within the town's 'radius of influence' must be counted from many points of view as partners with the town's own inhabitants in a single community.

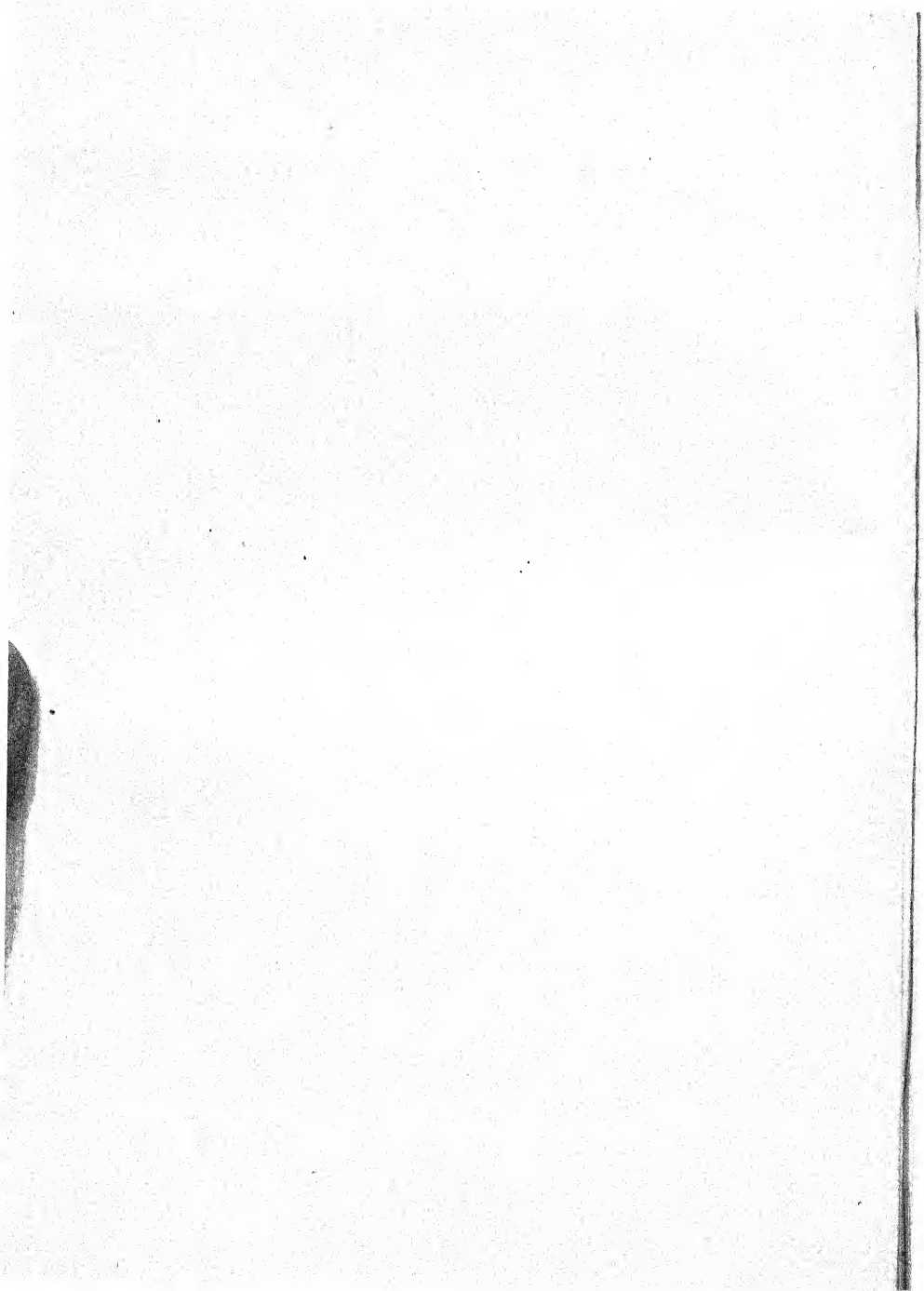
From the evidence available upon the geographic and social structure of the population, two factors may be singled out. Firstly, the various groupings, except within the industrial areas, comprise both urban and rural components. Secondly, there seems to be some kind of hierarchy of geographic communities, or at any rate of urban centres with the territories they serve. These two factors, if taken into consideration when studying the problem of the reform of local government areas, would tend to give support to those schemes which aim at uniting town and country rather than keeping them separate, and also to those which envisage some type of two-tier or even multi-tier structure, rather than those proposing a system of single all-purpose authorities. It may also be added that the idea of

<sup>1</sup> 'Regionaliter' in *Political Quarterly* (1941), p. 144.

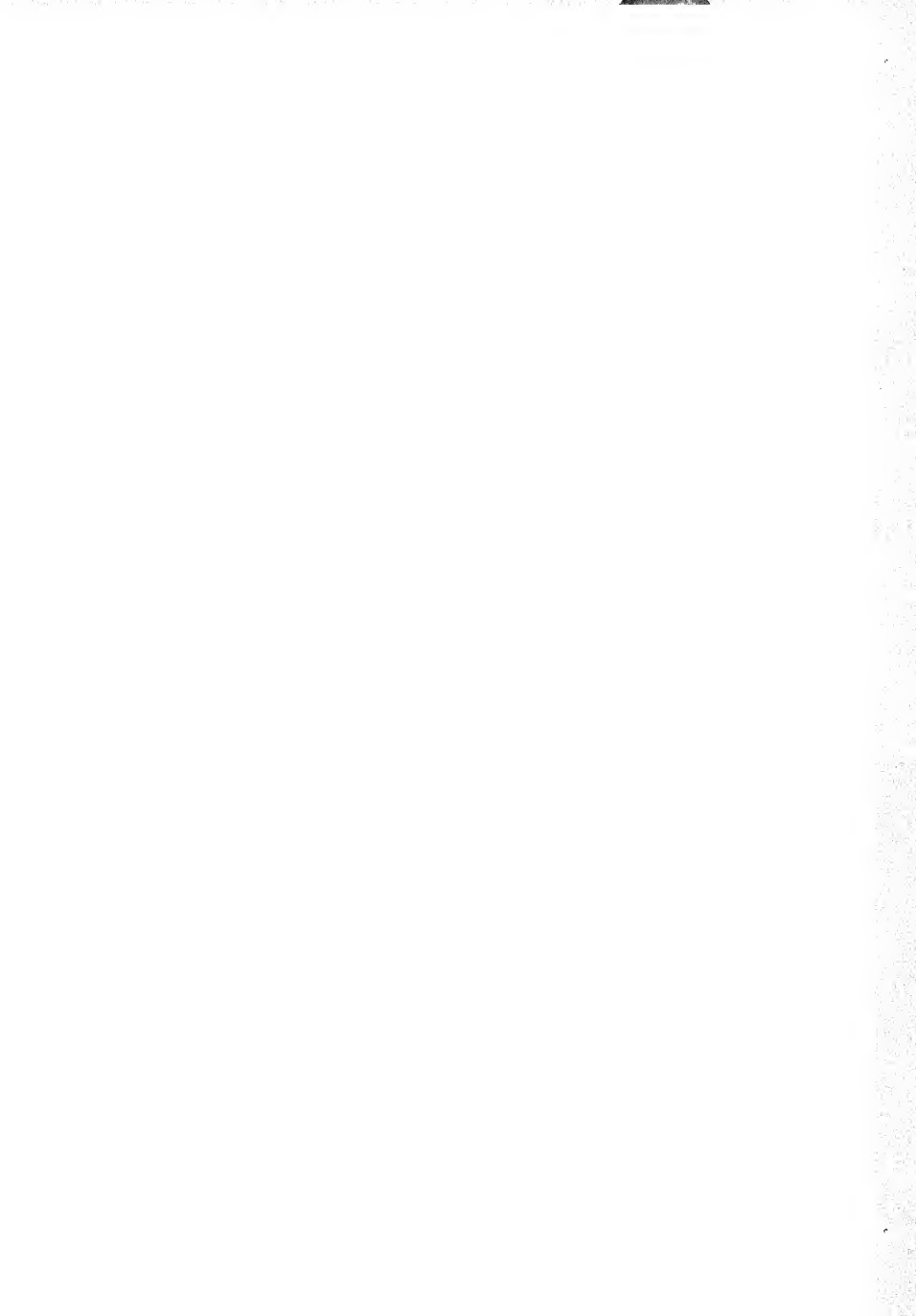
hierarchic structure of areas would accord with the new conception of the administration of local government services. This view is that it is no longer possible to assign a service to particular types of area — large or small — exclusively, but that in each service there are different functions; some need a large area, others a smaller area, and that local government authorities of different grades should participate in the service at the appropriate level of function. It would further seem, from the material presented above, that in respect of some services at least, the areas suitable for the performance of major or minor functions in the service correspond roughly to the areas of major or minor geographic and social communities.

These general conclusions are put forward with great reserve, as deductions from the material presented in this study. They need to be further clarified in the light of a thorough survey of the geographic structure of the population, with particular reference to the relationship of urban centres to their surrounding countryside and the varying radii of influence of centres in respect of the different services they provide. In the United States considerable attention has been devoted to this subject and based on such material as the circulation of newspapers or the market zones of urban centres, and it is possible to map the 'service centres' of the United States and their respective areas of influence. Although considerable work has been done for certain portions of this country, for instance by Mr. R. E. Dickinson and by the West Midland Group, no comprehensive study of the country, area by area, has yet been published, showing the break-up of the population into geographic and social groupings of this kind. If this were done the results might well prove a most significant contribution to the solution of the problem of areas in English local government. At the opening of this study it was suggested that the problem of areas could be regarded as the conflict of two principles — community and efficiency. The first was centrifugal in tendency — looking to the retention of smaller units, the second was centripetal — calling for the creation of larger units in the interests of economy and technical efficiency. Yet the new approach to the mapping of social units does suggest the possibility of a synthesis, resulting in administrative areas which would represent natural communities, yet satisfy the requirements of the local government services. Further, they would make possible increased efficiency and convenience, since they would correspond to the

normal areas of circulation of the people. Yet any such solution would remain valid only so long as the external circumstances which condition it. If scientific progress expands the facilities of transport, or there are radical changes in the social habits of the population, administrative areas cannot remain static but would need to be altered to fit the altered circumstances. Since they exist to serve the purposes of local government, they are but means and must be so adapted that they can most efficiently serve the ends which it prescribes.



## APPENDICES





## BIBLIOGRAPHY

THE following Bibliography lists only the main sources used in the preparation of this study, and is almost entirely restricted to works bearing upon the specific problems of areas. The main division is between British Government publications and other works. The former are classified into Bills and Acts, Reports (Royal Commissions, Select Committees, Departmental Committees, etc.) and Other Documents (Returns, White Papers, Circulars, etc.) and references to Parliamentary Papers are given by the addition of the year and Roman numeral for the volume.

The arrangement of the bibliography is as follows:

### I BRITISH GOVERNMENT PUBLICATIONS

- A. 1834-94:
  - 1. Counties.
  - 2. Boroughs.
  - 3. Other Authorities.
  - 4. Boundary Questions.
- B. 1894-1945:
  - 1. The Modern Structure.
  - 2. New Trends.
- C. Areas of Particular Services:
  - 1. Education.
  - 2. Health and Hospitals.
  - 3. Libraries.
  - 4. Police.
  - 5. Fire Service.
  - 6. Water and Rivers.
  - 7. Highways.
  - 8. Electricity.

#### D. Miscellaneous Government Publications.

### II BOOKS, PAMPHLETS, ARTICLES, ETC.

- A. General Works on Local Government.
- B. Legal.
- C. Historical (Nineteenth Century).
- D. Modern Problems.
- E. Administrative Areas in Other Countries:
  - 1. General.
  - 2. France.
  - 3. Germany.
  - 4. U.S.A.
  - 5. U.S.S.R.

F. *Areas of Particular Services:*

1. Health and Hospitals.
2. Social Services.
3. Libraries.
4. Water and Rivers.
5. Electricity.

G. Social and Geographic Background.

H. Miscellaneous Publications.

## I BRITISH GOVERNMENT PUBLICATIONS

## A. 1834-94

1. *Counties*(i) *Bills and Acts*: Bill to establish a Council and Auditors in every County in England and Wales (1836, III).

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2. *Social Services*

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4. *Water and Rivers*

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5. *Electricity*

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    *County Town: A Civic Survey of Worcester* (London, 1946).  
    *English County: a Planning Survey of Herefordshire* (London, 1946).  
    *Planning Schemes*, e.g.:  
*County of London Plan* by J. H. Forshaw and P. Abercrombie (H.M.S.O., 1943).  
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*Merseyside Plan*, 1944, by M. L. Thompson (H.M.S.O., 1945).  
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## H. MISCELLANEOUS

*Periodicals:*

- Municipal Journal*, *Local Government Service* *Municipal Review*, *County Councils' Association's Gazette*, *Public Administration*, *Political Quarterly*, *Sociological Review*.  
*The Municipal Year Book*.  
*The Local Government Manual and Directory*.

## BIOGRAPHICAL APPENDIX<sup>1</sup>

OF SOME OF THE PERSONS MENTIONED IN THE TEXT

- ACLAND, A. H. D. (1847-1926): Liberal M.P. for Rotherham, 1885-99; Vice-President of Education Committee of Council, 1892; secured raising of age of compulsory school attendance from 10 to 11.
- ADDERLEY, C. B. — later Lord Norton (1814-1905): M.P. 1841-78; Vice-President of Education Committee of Council, 1858; carried Local Government Act of 1858; Under-Secretary of State for the Colonies, 1866; Chairman of Royal Sanitary Commission, 1869-71; President of Board of Trade, 1874-78.
- ADKINS, SIR W. RYLAND (1862-1925): Liberal M.P., Middleton, 1906-25; Recorder of Nottingham, 1911-20, and Birmingham, 1920-25; Chairman, Northants C.C., 1920-25, and of Executive Committee of C.C.A.
- ANSTRUTHER, LT.-COL. R. H. L. (1841-1914): M.P., Woodbridge Division of Suffolk, 1886-92; Alderman, East Suffolk County Council.
- BARTTELOT, SIR W. B. (1820-93): M.P., West Sussex, 1860-85; M.P. Horsham, 1885-93.
- BEARD, SIR LEWIS (1858-1933): Town Clerk of Coventry, 1893-1904, and of Blackburn, 1909-30.
- BOSANQUET, S. R. (1800-82): revising barrister under 1832 Reform Act; K.C.; Chairman of Monmouthshire Quarter Sessions; author of *Hindeo Chronology and Antediluvian History*.
- BRODRICK, HON. G. C. (1831-1903): Fellow of Merton College, Oxford, 1855, and Warden, 1881-1903; London School Board, 1877-79; Liberal Parliamentary Candidate, 1868, 1874, 1880.
- BROWNLOW, LORD (1844-1921): M.P., North Shropshire, 1866-67; Parliamentary Secretary, Local Government Board, 1885-86; Paymaster-General, 1887-89; Under-Secretary for War, 1889-92.
- BRUCE, H. A. — later Lord Aberdare (1815-95): Stipendiary Magistrate for Merthyr Tydfil and Aberdare, 1847-52; Liberal M.P. for Merthyr Tydfil, 1852-68; for Renfrewshire, 1869; Home Under-Secretary, 1862-64; Vice-President of Education Committee of Council, 1864; Home Secretary, 1869-73, carrying reform of the licensing laws; Lord President of the Council, 1873-74.
- CARLINGFORD, LORD (1823-98): As Lord Clermont, M.P. for Louth, 1847-74; Liberal, later Liberal Unionist; Under-Secretary for Colonies, 1857-58, 1859-65; Chief Secretary for Ireland, 1865-66,

<sup>1</sup> Based on *D.N.B.*; *Who was Who*; *Who's Who*.

- 1868-71; President of Board of Trade, 1871-74; Lord Privy Seal, 1881-85; Lord President of the Council, 1883-85.
- CARY, JOHN (? d. 1720): merchant and writer on trade; West India sugar merchant; wrote pamphlets on poor law, trade and currency.
- CHADWICK, SIR EDWIN (1800-90): private secretary to Jeremy Bentham; Assistant Commissioner for Poor Law Investigation, 1832, and Chief Commissioner, 1833; on Royal Commission to investigate conditions of factory children, 1833; Secretary to Poor Law Commission, 1834-46; member of Sanitary Commission, 1839 and 1844; member of Board of Health, 1848-54; knighted, 1889.
- CHILDERS, H. C. E. (1827-96): after returning from education and politics in Victoria, Australia, became Liberal M.P. for Pontefract, 1860-96; Financial Secretary to Treasury, 1865-66; First Lord of Admiralty, 1868, resigning 1871; Chancellor of Duchy of Lancaster, 1872-73; Secretary of State for War, 1880-82; Chancellor of Exchequer, 1882-85; Home Secretary, 1886.
- COLLINGS, JESSE (1831-1920): associated with Joseph Chamberlain's programme of municipal reform in Birmingham and with Joseph Arch in land reform; Liberal, later Liberal Unionist M.P., 1880-1918; Home Under-Secretary, 1895-1902.
- CROSS, SIR R. A., later Viscount (1823-1914): Conservative M.P., 1857-86; Home Secretary, 1874-80, 1885-86; Secretary of State for India, 1886-92; Lord Privy Seal, 1895-1900.
- DILKE, SIR CHARLES WENTWORTH (1843-1911): Liberal M.P. for Chelsea, 1868-86; Forest of Dean, 1892-1911; Under-Secretary for Foreign Affairs, 1880-82; President of Local Government Board, 1882-85.
- DODSON, J. G. — later Lord Monk-Bretton (1825-97): Liberal, later Liberal Unionist M.P., 1857-94; Chairman of Committees and Deputy Speaker, 1865-72; President of Local Government Board, 1880-82; Chancellor of Duchy of Lancaster, 1882-84.
- EGERTON, LORD — formerly Hon. W. (1832-1909): Conservative M.P., 1858-83; Chairman of Cheshire Quarter Sessions, 1883-89.
- FARR, DR. WILLIAM (1807-83): trained as physician in Paris; inaugurated a new science with his paper on 'Vital Statistics' in 1837; compiler of abstracts in Registrar-General's office, 1838-79; F.R.S., 1855; Hon. D.C.L. (Oxon.), 1857; President of Statistical Society, 1871.
- FITZMAURICE, LORD — formerly Lord Edmond (1846-1935): Liberal M.P. for Calne, 1869-85, and Cricklade, 1898-1905; Chairman of Wilts. Quarter Sessions and County Council; Local Government Boundary Commissioner, 1887; Chairman of House of Commons Standing Committees, 1899-1905; Foreign Under-Secretary, 1882-85, 1905-8; Chancellor of Duchy of Lancaster, with a seat in the Cabinet, 1908-9.

- FLETCHER, SIR H. A. (1835-1910): Conservative M.P. for Horsham, 1880-85, and for Lewes, 1885-1910.
- FORSTER, W. E. (1818-86): of Quaker family and education; Liberal M.P. for Bradford, 1861-86; Colonial Under-Secretary, 1865-68; Vice-President of Council for Education, 1868-74; carrying Endowed Schools and Elementary Education Acts; Chief Secretary for Ireland, 1880, resigning in 1882 through opposition to the 'Kilmainham Treaty'.
- FORTESCUE, LORD (1818-1905): M.P., 1841-45 and 1854-59; Secretary of Poor Law Board, 1847-51.
- FOWLER, H. H. — later Viscount Wolverhampton (1830-1911): Mayor of Wolverhampton, 1863; Liberal M.P., 1880-1908; Home Under-Secretary, 1884; Financial Secretary to the Treasury, 1886; President of the Local Government Board, 1892-94; Secretary for India, 1894-95; Chancellor of the Duchy of Lancaster, 1905; Lord President of the Council, 1908.
- FRY, DANBY P. (1818-1903): clerk in Poor Law and Local Government Board Office, 1836-78; legal adviser to Local Government Board, 1878-82; original member of Philological and Early English Text Societies; author of legal manuals.
- GIBSON, T. MILNER (1806-84): Conservative M.P. for Ipswich, 1837-39; Liberal M.P. for Manchester, 1841; Vice-President, Board of Trade, 1846-48; M.P. for Ashton-under-Lyne, 1847-68; carried motion to amend law of conspiracy which caused Palmerston's resignation in 1858; President of Board of Trade, 1859-66; active promoter of commercial treaty with France and abolition of newspaper, stamp, advertisement and paper duties.
- GILBERT, THOMAS (1720-98): M.P. for Newcastle-under-Lyne, 1763-68, and Lichfield, 1768-95; carried two Acts on poor law in 1782 and measures for reform of houses of correction and improvement of highways, and an Act for facilitating clerical residence by loans from Queen Anne's Bounty; his proposals for helping friendly societies by parochial grants were embodied in Act of 1793.
- GOSCHEN, GEORGE JOACHIM — later Viscount (1831-1907): Liberal, later Conservative M.P., 1863-1900; Vice-President, Board of Trade, Paymaster-General, 1865-66; Chancellor of the Duchy of Lancaster, 1866; President of Poor Law Board, 1868-70; First Lord of Admiralty, 1871-74; Chancellor of Exchequer, 1887; First Lord of Admiralty, 1895.
- GULLY, W. C. — later Viscount Selby (1835-1909): Liberal M.P. for Carlisle, 1892; Speaker of House of Commons, 1895-1905.
- HALE, SIR MATTHEW (1609-76): Counsel for Archbishop Laud, 1643;

Justice of Common Pleas, 1654; M.P. for Gloucestershire, 1654, and in Convention Parliament of 1660 for Oxford University; Lord Chief Baron of Exchequer, 1660; Lord Chief Justice of King's Bench, 1671; author of legal, scientific and philosophical works.

HAY, WILLIAM (1695-1755): M.P. for Seaford, 1734-55; Navy Victualling Commissioner, 1738; introduced measures for poor relief; Keeper of Tower Records, 1753; author of *Essay on Civil Government, Religio Philosophi*, and a translation of Martial.

HEAD, SIR EDMUND WALKER (1805-68): Fellow of Merton College, 1830-37; Assistant Poor Law Commissioner, 1835, and Commissioner, 1841; Governor of New Brunswick, 1847; Governor-General of Canada, 1854-61.

HIBBERT, SIR JOHN TOMLINSON (1824-1908): M.P. for Oldham, 1862-74, 1877-86, 1892-95; Secretary to Local Government Board, 1872-74, 1880-83; Under Secretary for Home Affairs, 1883-84; Secretary to Admiralty, 1886, and Treasury, 1892-95; Chairman, Lancs County Council; President, County Councils' Association.

HICKS-BEACH, SIR MICHAEL — later Earl St. Aldwyn (1837-1916): Conservative M.P., 1864-1906; Under-Secretary, Home Department, and Secretary, Poor Law Board, 1868; Chief Secretary for Ireland, 1874-78 and 1886-87; Colonial Secretary, 1878-80; Chancellor of Exchequer, 1885-86 and 1895-1902; President of Board of Trade, 1888-92.

HOBHOUSE, HENRY (1854-1937): Barrister, Parliamentary draftsman and counsel; Member of Royal Commissions on Secondary Education, etc.; M.P. for Somerset East, 1885-1906; Chairman, Somerset County Council, 1904-24; author of *An Outline of Local Government and Local Taxation in England and Wales* (with R. S. Wright) and *The County Councillor's Guide: A handbook to the Local Government Act, 1888* (with E. L. Fanshawe).

HOBHOUSE, SIR JOHN CAM — later Lord Broughton of Gyfford (1786-1869): travelled with Byron in Spain, Greece and Turkey; sent to Newgate for breach of privilege, 1819; M.P. for Westminster, 1820; Secretary-at-War, 1832-33; Chief Secretary for Ireland, 1833; M.P. for Nottingham, 1834; Commissioner of Woods and Forests, 1834; President of Board of Control, 1835-41 and 1846-52; M.P. for Norwich, 1848; said to have invented the phrase 'His Majesty's Opposition'.

JAMES, SIR HENRY — later Lord James of Hereford (1828-1911): Liberal M.P., 1869-86; Liberal Unionist M.P., 1886-95; Attorney General, 1873-74; 1880-85; Chancellor of Duchy of Lancaster, 1895-1902.

KESTEVEN, LORD — formerly Sir John Trollope (1800-74): M.P. for South Lincs., 1841-68; President of Poor Law Board, 1852.

KIMBERLEY, LORD (1826-1902): Liberal statesman; Foreign Under-

- Secretary, 1852-56, 1859-61; Under-Secretary for India, 1864; Lord Lieutenant of Ireland, 1864-66; Lord Privy Seal, 1868-70; Colonial Secretary, 1870-74, 1880-82; Chancellor of Duchy of Lancaster, 1882; Secretary for India, 1882-86; Lord President of the Council, 1892-94; Foreign Secretary, 1894-95.
- KNATCHBULL, SIR EDMUND (1781-1849): M.P. for Kent, 1819-30 and 1832; opposed Corn Law reform and Catholic Emancipation; Paymaster of Forces, 1834-45.
- KNATCHBULL-HUGESSEN, SIR EDWARD H. — later Lord Brabourne (1829-93): Liberal M.P. for Sandwich, 1857; Lord of Treasury, 1859-60 and 1860-66; Colonial Under-Secretary, 1871-74; later adopted Conservative views; published stories for children.
- LAMBERT, SIR JOHN (1815-92): Mayor of Salisbury, 1854; Inspector of Poor Law Board, 1857; Permanent Secretary to Local Government Board, 1871-82; author of *The Modern Domesday Book* and of treatises on church music.
- LLOYD, E. H., K.C. (1860-1930): Recorder of Chester, 1921-27.
- LOCKE KING, P. J. (1811-85): M.P., 1847-74; carried Real Estate Charges Act; advocated ballot and abolition of Church rates.
- LONG, WALTER — later Lord Long of Wraxall (1854-1924): Conservative M.P., 1880-1921; Parliamentary Secretary, Local Government Board, 1886-92; President, Board of Agriculture, 1895-1900; President Local Government Board, 1900-5; Chief Secretary for Ireland, 1905-6; President, Local Government Board, 1915-16; Colonial Secretary, 1916-18; First Lord of Admiralty, 1919-21.
- MACDONOGH, SIR GEORGE (b. 1865): Adjutant-General, 1918-22.
- MIDDLEBROOK, SIR WILLIAM (1880-1936): Lord Mayor of Leeds, 1910-11; Liberal M.P. for South Leeds, 1908-32; Chairman of House of Commons Local Legislation Committee, 1913-22.
- MONTAGU, LORD ROBERT (1825-1902): Conservative M.P. for Huntingdonshire, 1859-74; active in promoting sanitary reform; Vice-President of Education Committee of Council, 1867-68; became a Roman Catholic in 1872 but rejoined the Church of England in 1882 on ethical and political grounds, and composed anti-Catholic works such as *Scylla or Charybdis, which? Gladstone or Salisbury; Home Rule, Rome Rule; The Sower and the Virgin*, etc.
- MYERS, SIR A. M. (1867-1926): Mayor of Auckland, 1905-8; New Zealand M.P., 1910-21 and Cabinet Minister, 1912-19.
- NICHOLAS, SIR WALTER (1868-1926): Clerk to Rhondda U.D.C.; Member of Executive Committee U.D.C.A.; Clerk to Ystradyfodwg and Pontypridd Main Sewerage Board, and Pontypridd and Rhondda Joint Water Board.



- NORMAN, H. C. (b. 1872): Diplomatic Service; Minister at Teheran, 1920-21; Secretary of British Delegation to Peace Conference, 1919.
- ONslow, EARL OF (1876-1945): Diplomatic Service, 1901-14; General Staff, 1916-18; Lord-in-Waiting, 1919-20; Civil Lord of Admiralty, 1920-21; Parliamentary Secretary, Board of Agriculture and Ministry of Health, 1921-23; to Board of Education, 1923-24; War Under-Secretary, 1924-28; Paymaster-General, 1928-29; Lord Chairman of Committees from 1931.
- OWEN, SIR HUGH (1804-81): Chief Clerk to Poor Law Board, 1853-72; pioneer of Welsh education and philanthropist.
- OWEN, SIR HUGH (1835-1916): son of preceding; starting as boy clerk in the Poor Law Office; became a barrister and Assistant Secretary in 1876; Permanent Secretary, 1882-98.
- PELL, ALBERT (1820-1907): Conservative M.P. for South Leicestershire, 1868-85, but of radical tendencies; agriculturalist and expert on poor law and local government questions; member of Royal Commissions on City Parochial Charities, City Guilds and Aged Poor; a leader in the campaign against out-relief.
- PENRHYN, LORD (1836-1907): M.P. Caernarvon, 1866-68 and 1874-80.
- PRITCHARD, SIR H. G. (b. 1868): Secretary of A.M.C., 1910-46.
- RATHBONE, WILLIAM (1819-1902): Liverpool philanthropist; Liberal M.P., 1868-95.
- RAWLINSON, SIR R., K.C.B. (1810-98): Chief Engineering Inspector of Local Government Board, 1849-88.
- READ, CLARE SEWELL (1826-1905): Conservative M.P. for Norfolk, 1865-85; Parliamentary Secretary, Local Government Board, 1874-75, but resigned as a protest against regulations for pleuro-pneumonia not being made uniform in England and Ireland, when the farmers presented him with £5500 and a service of plate.
- RITCHIE, C. T. — later Lord Ritchie of Dundee (1838-1906): Conservative M.P., 1874-1905; Secretary to Admiralty, 1885-86; President of Local Government Board, 1886-92; President of Board of Trade, 1895-1900; Home Secretary, 1900-2.
- ROBINSON, SIR T. (1827-97): Mayor of Gloucester, 1865, 1866, 1872, 1874; Liberal M.P. for Gloucester, 1886-95.
- SAMUELSON, SIR BERNHARD (1820-1905): M.P. for Banbury, 1859, 1868-85; North Oxon., 1885-95; Chairman of Royal Commission on Technical Education, 1881-84.
- SCLATER-BOOTH, GEORGE — later Lord Basing (1826-94): Conservative M.P. for North Hants, 1857; Financial Secretary to Treasury, 1868; President of Local Government Board, 1874-80; Chairman of House of Commons Grand Committees, 1880.

- SELWIN-IBBETSON, SIR H. J. — later Lord Rookwood (1826-1902): Conservative M.P. for Essex, 1865-92; Home Under-Secretary, 1874-78; Parliamentary Secretary to Treasury, 1878; piloted bill for opening Epping Forest to the public.
- SHAW-LEFEVRE, SIR J. G. (1791-1879): Barrister; Boundary Commissioner under 1832 Act; Under-Secretary at Colonial Office, 1833; Poor Law Commissioner, 1834; Vice-Chancellor, London University, 1842-62; Joint Assistant Secretary, Board of Trade, 1841; Ecclesiastical Commissioner, 1847; Deputy Clerk, 1848 and Clerk of Parliaments, 1858-75; Civil Service Commissioner, 1855.
- SIMON, SIR JOHN (1816-1904): M.O.H. to City of London, 1848-55; to Privy Council, and later, Local Government Board, 1858-76; President, Royal College of Surgeons, 1878-79; President, Royal Society, 1879-80; author of *English Sanitary Institutions*.
- STANSFELD, SIR J. J. (1820-98): Liberal M.P. for Halifax, 1859-95; Lord of Admiralty, 1863-64; Under-Secretary for India, 1866; Lord of Treasury, 1868-69; President, Poor Law Board, 1871; President, Local Government Board, 1871-74, 1886.
- STEPHEN, H. J. (1789-1864): Serjeant-at-Law and Common Law Commissioner, 1828; said to have declined judgeship from unwillingness to pass capital sentences; bankruptcy commissioner, 1842-54; author of legal works.
- STEVENSON, F. S. (1862-1938): Liberal M.P. for Suffolk, 1885-1906; Parliamentary Charity Commissioner, 1894-95; author of works on history and archaeology.
- STRACHIE, LORD (1858-1936): Liberal M.P., South Somerset, 1892-1911; Parliamentary Secretary, Board of Agriculture, 1909-11; County Alderman of Somerset; Vice-President, C.C.A. and R.D.C.A.
- STURGES-BOURNE, WILLIAM (1769-1845): M.P., 1798-1831; Joint Secretary of Treasury, 1804-6; Lord of Treasury, 1807-9; Home Secretary, 1821; Commissioner of Woods and Forests, 1827; Lord Warden of New Forest, 1828-31; carried Select Vestries Acts in 1818 and 1819.
- TAYLOR, TOM (1817-80): Fellow of Trinity College, Cambridge, 1842; Professor of English Literature, London University, 1845; Secretary to Board of Health, 1854-58, and of Local Government Act Department in Home Office, 1858-71; editor of *Punch*, 1874-80; author of numerous dramatic works.
- THRING, SIR HENRY — later Lord Thring (1818-1907): Counsel to Home Office, 1860-68; Parliamentary Counsel, 1868-86.
- TURTON, SIR EDMUND (1857-1929): M.P., Thirsk and Malton, 1915-29; Chairman of Standing Committees, House of Commons; Chairman, North Riding Quarter Sessions and County Licensing Committee.

- WEBSTER, SIR RICHARD — later Viscount Alverstone (1842-1915): Conservative M.P. for Launceston, 1885, Isle of Wight, 1886-1900; Attorney-General, 1885-86, 1886-92, 1895-1900; Master of Rolls, 1900; Lord Chief Justice, 1900-13.
- WILLIAMS, SIR J. L. V. SEYMOUR (1868-1945): Clerk to Warmley R.D.C. for 46 years; Chairman of Executive R.D.C.A., 1902-39; Member Glos. C.C., 1901-6; Coroner for Lower Division of Glos.
- WYLD, JAMES (1812-87): Geographer; published *Popular Atlas*, *Atlas of Battles*; Liberal M.P. for Bodmin, 1847-52 and 1857-68.
- YOUNG, SIR WILLIAM (1749-1815): M.P. for St. Mawes, 1784-1806 and for Buckingham, 1806; follower of Pitt till 1801, when he went over to Grenville's party; Governor of Tobago, 1807-15.

## NOTE ON THE DIVISION OF FRANCE INTO DEPARTMENTS

BECAUSE of the detailed evidence available, it may be of interest to examine rather more closely the reasons why the delimitation of France into departments took the form it did. It has been observed that, even before the report of the Commission was presented, it could be assumed that the units recommended would be more or less equal, and that they would be smaller than the provinces. On the other hand, there is a tendency to exaggerate the mathematical rigidity envisaged by Thouret and his colleagues.<sup>1</sup> Perhaps the key question is why the thoughts of the Commission seem to have turned immediately to the number of eighty departments. The answer may be found in the previous writings of *philosophes* and *physiocrates* on the subject of administrative divisions and also perhaps to some extent in the map that was used by Thouret and his colleagues for their work.

From the beginning of the eighteenth century there had been numerous proposals for improved areas of administration. Fénelon in his 'Plans concertés avec le duc de Chevreuse pour être proposés au duc de Bourgogne' suggested a reduction in numbers of the governments and equalization of their areas, and this opinion, according to Saint-Simon, was shared by his royal pupil.<sup>2</sup> A revision of the areas of the *généralités*, with a view to making them both more equal and more consonant with economic and social factors, was suggested by Diderot in the article '*Généralités*' in the *Encyclopédie*. D'Argenson, in his *Considérations sur le Gouvernement ancien et présent de la France*, published at Amsterdam in 1765, stresses the importance of decentralization, but urges also that the units of decentralized administration must be large enough for efficiency but not so large as to be capable of becoming a danger to the general authority of the state; the kingdom should be divided into departments smaller than the *généralités* then existing and comprising perhaps only 200 parishes.<sup>3</sup> D'Argenson's aims were 'to break the resistance of the provinces and found the absolute authority of the state, to facilitate the operation of the central power and bring the administration

<sup>1</sup> 'Les départements sont "des débris" des provinces mais ils ont été tracés par les hommes du pays et n'ont pas été découpés comme l'a cru Taine, par "des ciseaux de géomètre"', is the conclusion of Berlet, *op. cit.*, p. 251.

<sup>2</sup> See references in Berlet, *op. cit.*, p. 38.

<sup>3</sup> D'Argenson, *op. cit.*, pp. 26-30, 227, 256-7. It should be noted that the word *département* was frequently used for the *généralité* or area of an intendant ('Commissaire *départi* dans les provinces'). See Mage, *op. cit.*, pp. 221-3.

close to the people; France was divided by d'Argenson in 1765 into departments as it was to be, for the same reasons, by the Constituent Assembly in 1789'.<sup>1</sup> With the physiocrat Guillaume Francois Le Trosne comes perhaps the first reference to the actual mathematical dimensions of new areas. In his *De l'Administration Provinciale et de la Réforme de l'Impôt*, published at Basle in 1779, Le Trosne provides a scheme of elected bodies of landowners for provinces, districts and groups of villages, whose principal tasks would be in financial administration, with particular reference to the apportioning of the taxes. There would be 25 *généralités*, 250 *districts* and 4500 *arrondissements* or groups of villages. '*Arrondissements* must fit together as squarely as possible, with about 3000 *toises* (20,000 feet) to each side. The *arrondissements* will be 18 to a district; there will be 10 *districts* in each *généralité*.'<sup>2</sup> Evidently the fiscal purpose of his scheme induced Le Trosne to make his unit so regular.<sup>3</sup>

A new principle was introduced by Condorcet, that of grading administrative areas according to the nature of the communities to which they should correspond, and varying them in size in accordance with the distances that people could be expected to travel for different purposes. Condorcet's *Essai sur la Constitution et les Fonctions des Assemblées Provinciales* (1788) contains a scheme for a three-tier hierarchy of areas, each with its own elected bodies. The first class of units would comprise either a town or a union of rural parishes. The rural parishes must be combined to form a single unit for two reasons — 'first, so that the rural communities should not be markedly inferior when compared with the communities of the towns; secondly, so that the rural communities should be less exposed to the influence of a *seigneur*'.<sup>4</sup> Condorcet returns to this point in his essay 'Sur la Formation des Communautés de Campagne', where he stresses the need for uniting several villages into a single 'community' unit, especially because it would allow a wider field for choosing persons for election; in one village, only the *seigneur* or *curé* might be found suitable, but in several there would be a chance of finding 'cultivateurs assez instruits'.<sup>5</sup> The second tier of units would be the districts, composed of a certain number of communities, and the third tier the provinces, composed of a number of districts. The basic communities should contain between 4000 or 5000 and 10,000 or 12,000 inhabitants. The aim should be to get approximate equality between rural

<sup>1</sup> Berlet, op. cit., p. 41.

<sup>2</sup> Le Trosne, op. cit., Book V, chaps. 5-6.

<sup>3</sup> His biographer, however, apparently thinks that Le Trosne did not intend these directions to be literally applied, and contrasts Le Trosne's scheme favourably with the allegedly geometrical schemes of the Constituent Assembly. See Jérôme Mille, *Un Physiocrate Oublié — G. F. Le Trosne* (Paris, 1905), p. 186.

<sup>4</sup> Condorcet, *Œuvres Complètes* (Brunswick, 1804 edition), XIII, p. 41.

<sup>5</sup> Ibid., XV, p. 226.

communities, but not at the expense of making them so wide as to render communication between the component villages difficult. Very large towns would be districts, their quarters forming separate communities; other towns would rank as ordinary communities, even though they had over 12,000 inhabitants.<sup>1</sup> Condorcet is elsewhere more explicit about the relationship between urban and rural units, always motivated by the idea of balance. 'Towns of 6000 to 20,000 inhabitants should form political units of the same rank as the rural communities of 4000 upwards (i.e. first-tier communities); towns below 6000 inhabitants would be joined to several villages in a rural community, provided that the inhabitants of the rural villages were at least equal in number to those of the small town. Thus a town of 20,000 inhabitants would, on this proposal, be surrounded by 5 or 6 rural communities each of 4000 or 5000 inhabitants, which, being able easily to get together, would soon provide a power equal to that of the town. Secondly, a very large town could not be set side by side with rural communities; it must then form an *arrondissement*, or district, by itself, to which would correspond another district, composed of a suitable number of smaller towns or rural communities. Thirdly, the really first-rank towns are almost provinces themselves; they would be too powerful, relatively to the neighbouring districts, and must therefore either be attached to a large province or each form a province individually.'<sup>2</sup> These passages show the desire of Condorcet to get an equilibrium between the different parts of the administrative structure, and to give the rural elements protection against undue preponderance by urban interests. As a *philosophe*, he was convinced of the universal applicability — at least within France — of his general principles. 'In general the same form of municipal administration ought to be suitable, if it is a good one in itself, for all constitutions, for all manners of life, for all climates.'<sup>3</sup> But in the application of this principle to the problem of areas at least, Condorcet shows flexibility by combining the two rules of calculating by transport facilities and respect for geographical and social factors. 'It is a real advantage that each community should be of such extent that in the space of a day, the citizens living farthest from the centre can come there, transact their business for several hours, and then return to their homes; thus three leagues would seem to be the proper limit; a half-day's, or part of a day's, journey should be the maximum radius of a district; finally, a long day's journey should be that of a province measuring from the centre to the farthest district. But at the same time it is to be observed that, for these different divisions, regard should be had to physical geography, so as to

<sup>1</sup> Condorcet, *Œuvres Complètes* (Brunswick, 1804 edition), XIII, p. 42.

<sup>2</sup> *Ibid.*, XV, pp. 229-31.

<sup>3</sup> *Ibid.*, XIII, p. 230.



combine only those parts between which communication is easy, and in which a similarity of climate and soil gives a community of culture, customs and habits; this is the prescription of nature. Respect for the established order, a respect which must give way to Justice, but to which it is possible sometimes to sacrifice conveniences reasonable in themselves, can demand in the first instance arrangements that it would be permissible to revise later on. So, as there exist divisions like *élections*, dioceses, etc., in almost the whole of France, it is right to follow these divisions for those of the districts, like those of the *généralités* for the provinces. Later on, efforts must be made to eliminate the excessive irregularity between provinces or districts, their irregular or over-elongated shape, their enclaves and outliers. But first of all we must seek to make these changes agree with local convenience in point of customs, certain feudal usages, and the form of taxation, until the time when uniformity can be established.<sup>1</sup>

The next factor is the appearance of the 324 square leagues. These were used in a map published in 1780 by the royal cartographer, Robert de Hesseln. France was divided into 9 regions, each of these into 9 *contrées*, each of these into 9 districts, each into 9 *territoires* and so on until the tenth degree. It was these 81 districts which were of 18 leagues by 18. But it does not seem that Hesseln intended this system to be used as one of *administrative* units, but rather for *cartographical* purposes, to make it easier for the public, for the landowners, and officials, to learn the details of the area of the kingdom and to measure a distance or an area without a compass. 'It was not a scheme of administrative areas, but a cadastral survey prepared according to a geometrical process.'<sup>2</sup>

Finally, just before the work of the Commission there had been considerable experience, at least in certain parts of France, of the improvement of administrative areas to get greater uniformity between them. For the provincial assemblies created in all *pays d'élection* by Necker's decree of June 7th, 1787, the areas of the *généralités* were taken. As the areas for the secondary assemblies in Necker's scheme, the *élections* (fiscal sub-units of the *généralités*) were used. But in certain provinces (like Alsace and Lorraine) there were no *élections*; in others (e.g. Bourbonnais, La Marche, Auvergne, Berry, Orléanais), the existing *élections* were considered too unequal in size or too awkward in shape. There was thus a considerable formation of new units for this purpose; these were styled *districts* or *départements*, and divided into *arrondissements* as electoral units for the secondary assemblies. With electoral functions always in view, there was a reinforcement of the contemporary trend to secure equality in the delimitation of the new divisions.<sup>3</sup>

<sup>1</sup> Ibid., XIII, pp. 231-2. <sup>2</sup> Berlet, op. cit., p. 227. <sup>3</sup> See Berlet, op. cit., pp. 79-83.

Thus the Commission of 1789 had before it firstly, the proposals for equalitarian divisions, secondly, the Condorcet scheme of a maximum radius for each level of administrative area and thirdly, Hessel's map which was actually the one used for marking out the first scheme of departments. Thus the choice of the figure of eighty equal departments was quite natural. Further, this corresponded with Condorcet's specification, since as Target said, the area of the department was calculated in such a way that from all points of a department one could reach the administrative centre in a day's journey. But it is also necessary to avoid what M. Bancal has termed 'le malentendu de l'échiquier'. The Commission did not intend to cut up France in eighty-one squares 'like a piece of cloth', as seems often to be believed. The squares were intended merely to set out a basis of average size to which each department should be made to conform as far as possible; otherwise, there would have been no standard by which to draw up the division. But the areas were to be far from geometric figures. The whole process is described in an anonymous pamphlet 'Observations sur le rapport du Comité de Constitution concernant la nouvelle organisation de la France, par un député de l'Assemblée Nationale', written perhaps by Sieyès<sup>1</sup> or Thouret.<sup>2</sup> This account agrees closely with the explanation of his report given by Thouret to the Assembly.

"Taking Paris as centre, I would make a perfect square, 9 leagues in radius, or 18 leagues by 18, which would give 324 square leagues; this is to be a department. On each side of this first square, I would make another of the same dimensions, and so on up to the farthest frontiers . . . In this way there would be 80 departments, since 80 divisions of 324 square leagues take up about all the 26,000 leagues comprising the whole of French territory . . . It must be noted that a geographic division such as we are describing is purely an ideal one. Neither the committee nor any reasonable man could have claimed to substitute it for the real thing. A division, on paper, of perfect squares is only a means of facilitating the rather more practical operation to which I now turn. I take then different maps, some divided by *généralités*, others by provinces, others again by *bailliages* and I say: "the boundaries of these divisions are not imaginary like geometrical lines; I am not afraid that they cut a house or a church in two; they already exist, so I can use them" . . . I mark out my own geometrical divisions as nearly as possible on the lines of real boundaries or frontiers. Then all the squares take on irregular shapes, as one gaining what another loses; but, on the whole, I always get as near I can to the measurement of 324 square leagues for each of my divisions."<sup>3</sup>

<sup>1</sup> Berlet, op. cit., p. 230.

<sup>2</sup> Bancal, op. cit., p. 154.

<sup>3</sup> Quoted Bancal, op. cit., p. 155.

So closely indeed did the Commission, in its original report, use the existing boundaries of historic areas for its plan of departments that 'if one compares this map with that which was to come into effect, one is forced to admit that the former respects much better the traditional configuration of the provinces'.<sup>1</sup> The original map of Thouret shows some remarkable deviations from the geometrical regularity of some of the departments later created, just because his scheme followed the traditional boundaries in the marking out of the fixed number of departments.

The history of the division of the French provinces into departments thus shows how the political theory of the age dictated the adoption of a general quantitative principle — that of equality — but that the application of this principle was considerably modified both by respect for existing boundary lines and by the organized consultation of local interests.

<sup>1</sup> Bancal, *op. cit.*, p. 156.

SUMMARY OF RECOMMENDATIONS OF THE  
LOCAL GOVERNMENT BOUNDARY COMMISSION  
IN THEIR REPORTS FOR 1946 AND 1947  
(H.C. 1947, No. 82; H.C. 1948, No. 86)

*1. Areas and Functions*

The Commission felt that the problem of areas was closely bound up with that of the redistribution of functions. One of the members (Mr. William Holmes, C.B.E.) considered that the Commission should, in accordance with the Act, proceed to make Orders and submit them, where necessary, individually to Parliament. The other four Commissioners came to the conclusion that they could not carry out their duty of securing 'effective and convenient units of local government administration' unless there were first a fresh allocation of functions between classes of local authority. They accordingly decided in their Second Annual Report to submit a number of general recommendations for the recasting of the structure of local government, with detailed proposals for a consequent rearrangement of areas, but not to make Orders until Parliament had either approved the Commission's plans and enacted fresh legislation, or instructed the Commission to proceed strictly according to the provisions of the Act of 1945. The main recommendations of the majority of the Commission were as follows:

*2. Main Classes of Authority*

There should be three main classes of local government units — counties, county boroughs and county districts. The whole of England would be divided into 67 counties. These would be of two classes, one-tier and two-tier. The 20 one-tier counties would, like the existing county boroughs, have no other local authorities within their areas. The 47 two-tier counties would contain county districts and county boroughs (referred to, for convenience, as 'new county boroughs'), whose status would be that of a 'most-purpose' authority, midway between the present county borough or a new one-tier county ('all-purpose' authority) on the one hand and a county district ('some-purpose' authority) on the other.

*3. Two-tier Counties*

The new two-tier counties should range in population from 200,000 to 1,000,000, the figures of population which the Commission regard as the desirable minimum and maximum for this type of authority. In fact, as the appended table shows, eight of the two-tier counties suggested by the Commission (Durham, Central Lancs., South Lancs., South-East Lancs., South-West Lancs., Middlesex, Surrey, York West) would have populations between one and two millions; among them are three counties which would be affected by any future decision on local government in Greater London. No two-tier county would be below 200,000 in population and, to achieve this, four East Anglian counties would be merged, Rutland

joined to Leicestershire, Herefordshire to Worcestershire, East to West Suffolk, and Westmorland to North Lancashire. Five new two-tier counties would be formed in Lancashire, and one in the Black Country, so that in these urban areas the all-purpose authority would disappear.

#### 4. *One-tier Counties*

For a one-tier county the Commission considered the desirable population range to be 200,000 to 500,000, although it was recommended that Birmingham with a population of over a million should be a single-tier county. One suggested one-tier county, Derby, is at present below 200,000, but boundary adjustments may serve substantially to increase its population; the three county boroughs in the Greater London area — Croydon, East Ham and West Ham — have been provisionally listed as one-tier counties pending a decision on general issues of local government in that area.

#### 5. *New County Boroughs*

The most novel recommendations of the Commission were those relating to the 'new county boroughs'. These would be the middle-sized county boroughs of today, between 60,000 and 200,000 population. Ten non-county boroughs with more than 60,000 population (Cambridge, Cheltenham, Chesterfield, Luton, Poole, Slough, Stretford, Stockton-on-Tees, Swindon, Worthing) and the three Medway Boroughs united would become new county boroughs. The new county borough would be represented on the county council which would administer the following services in the new county borough's area: police, fire services, land drainage, small-holdings, remand homes, approved schools, road fund and taxation licences, and diseases of animals. The new county borough would, in addition to the functions of a county district, administer: education, local health services, care of the old and disabled. Town and country planning and highways would be services in which both counties and new county boroughs would participate. The county would be responsible for preparing the overall development plan, the county borough for preparing detailed plans of its own area and for interim development. The county would be responsible for classified highways, but the new county borough would have the right to 'claim' the maintenance, on repayment by the county, of the classified roads in its area, and the maintenance would be carried out by the county borough's highway department which would be needed for the maintenance of the unclassified roads in the county borough, which would fall to the county borough as to a county district.

#### 6. *County Districts and Delegation*

In their 1946 Report the Commission advocated a common range of functions for all county districts, irrespective of borough, urban or rural status. The Commission intend to make detailed investigations and proposals on the question of the areas of individual county districts. County districts should carry out as many functions as possible by delegation from county councils; every county district should be the

authority for unclassified roads and should be able to ask for, though not to 'claim', the maintenance of classified roads in its area as the agent of the county council, thus restoring rural county districts to their pre-1929 position. Delegation should be widely used and regulated for each county by a scheme varied according to local circumstances but following general principles approved by Parliament.

#### 7. *Treatment of Particular Areas*

For Lancashire, a two-tier Manchester County Council had been suggested, and subsequently a plan for three two-tier 'ridings'. The Commission proposed to divide Lancashire with Westmorland and part of Cheshire into five two-tier counties; these would, however, have within them the new county boroughs, exercising education, health and welfare functions. For Yorkshire, the Commission recommended eight major authorities: four one-tier counties (Hull, Leeds, Bradford, Sheffield) and four two-tier counties (roughly the North Riding with Tees-side, the East Riding with York, the northern half of the West Riding, and the southern half of the West Riding).

The Commission rejected the Tyneside regional scheme recommended by the Royal Commission on that area; instead, their scheme involved its division between the one-tier county of Newcastle; and the two-tier counties of Durham and Northumberland, within which the new county boroughs of Gateshead, South Shields and Tynemouth would retain their education, health and welfare functions.

For Staffordshire, the Commission rejected both the union of the Black Country with Birmingham under a single authority and the division of the Black Country between four all-purpose authorities. Instead, they recommended the creation of a one-tier county for the Potteries and two-tier counties for both central Staffordshire and the Black Country.

#### 8. *Wales*

The Commission drew attention to the small populations but wide areas of most of the Welsh counties but were not prepared in their Second Report to make final recommendations. They felt that Glamorgan and Cardiff could stand alone, but for the other counties they put forward the following suggested alternative groupings:

	<i>Area (acres)</i>	<i>Population</i>	<i>Rateable Value £</i>
(i) North Wales (Anglesey, Caernarvon, Denbigh, Flint, Merioneth, Montgomery)	2065	560	2805
South Wales (Brecon, Radnor, Cardigan, Carmarthen, Pembroke)	2195	375	1518
(ii) North-West Wales (Anglesey, Caernarvon, Merioneth-'Gwynedd')	963	210	1027
North-East Wales (Denbigh, Flint, Montgomery)	1102	350	1778
South Wales (as above)	2195	375	1518



	<i>Area (acres)</i>	<i>Population</i>	<i>Rateable Value £</i>
(iii) North-West Wales (as above)	963	210	1027
Denbigh, Flint	592	305	1604
Brecon, Montgomery, Radnor, (‘Powys’)	1280	117	654
Cardigan, Carmarthen, Pembroke (‘Dyfed’)	1425	303	1038
(iv) Anglesey, Caernarvon, Merioneth (part)	633	185	919
Denbigh, Flint, Merioneth (part)	738	313	1640
Montgomery, Cardigan (part), Merioneth (part)	836	81	339
Brecon, Radnor	770	72	479
Carmarthen, Pembroke, Cardigan (part)	1283	284	946

9. The following table gives in outline the Commission proposals for new areas in England:

TABLE OF COUNTIES (ONE-TIER AND TWO-TIER) AND NEW COUNTY  
BOROUGH

(Figures in brackets refer to population in thousands, according to the Registrar-General's estimates at September, 1947. A + or - indicates that there might be boundary adjustment which would increase or reduce the 1947 figures)

COUNTY (* indicates One-tier County)	AREA OF NEW COUNTY	NEW COUNTY BOROUGH WITHIN COUNTY (Italicized if not at present a County Borough)
Bedford (295)	Present County	<i>Luton</i> (109)
Berks. (388)	Present County and Reading C.B.	Reading (114)
*City of Birmingham (1085)	Present C.B.	
*City of Bradford (287+)	Present C.B.	
*City of Bristol (500)	Present C.B. (433), with Kingswood and Mangotsfield U.D.s and parts of Sudbury, Thornbury, Bathavon and Long Ashton R.D.s	
Bucks. (367)	Present County	<i>Slough</i> (65)

COUNTY (* indicates One-tier County)	AREA OF NEW COUNTY	NEW COUNTY BOROUGH WITHIN COUNTY (Italicized if not at present a County Borough)
Cambridge (375)	Present Counties of Cambridge (160), Isle of Ely (85), Huntingdon (62) and the Soke of Peterborough (61)	<i>Cambridge</i> (80)
Chester (785-)	Present County, less areas in Wirral and North-East to be transferred to the new Counties in Lancashire	Possibly Chester (48)
Cornwall (326)	Present County	
*Coventry (246+)	Present C.B.	
*Croydon (246)	Present C.B. [subject to future decisions on Greater London]	
Cumberland (269)	Present County, and Carlisle C.B.	Carlisle (64)
Derby (630)	Present County, less area transferred to the one-tier county of the Borough of Derby, and any territory in the Glossop area in the North-West combined with the new County in South-East Lancs.	<i>Chesterfield</i> (68)
*Borough of Derby (175)	Present C.B. (141) with neighbouring districts	
Devon (550)	Present County and Exeter C.B.	Exeter (75)
Dorset (415)	Present County, and Bournemouth C.B.	Bournemouth (140), <i>Poole</i> (80)
Durham (1115)	Present County (877), and Darlington, Gateshead, South Shields, and West Hartlepool C.B.s, less areas transferred to Counties of Sunderland and York North	Darlington (84), Gateshead (114), South Shields (103), West Hartlepool and Hartlepool (87)
*East Ham (120)	Present C.B. [subject to future decisions on Greater London]	
Essex (1658)	Present County [subject to future decisions on Greater London] and Southend-on-Sea C.B.	Southend-on-Sea (147)
Gloucester (405)	Present County, with Gloucester C.B., less areas transferred to new County of Bristol	Gloucester (64), <i>Cheltenham</i> (62)
Hampshire (490)	Present County, less areas transferred to new Counties of Southampton (Borough) and Portsmouth	

COUNTY (* indicates One-tier County)	AREA OF NEW COUNTY	NEW COUNTY BOROUGHS WITHIN COUNTY (Italicized if not at present a County Borough)
Hereford and Worcester (510)	Present County of Hereford (121), and County of Worcester, less Oldbury (53) and Halesowen (39) — transferred to Stafford South — with the addition of Worcester C.B. (61) and Amblecote U.D. (3), transferred from Staffordshire	Worcester (61)
Hertford (578)	Present County [subject to future decisions on Greater London]	
Kent (1481)	Present County and Canterbury C.B. (25) [subject to future decisions on Greater London]	<i>Chatham-Gillingham-Rochester</i> (144)
*City of Kingston-upon-Hull (330)	Present C.B. (293), with Haltemprice U.D. (36) and perhaps other small additional areas	
North Lancs. and Westmorland (280)	Present County of Westmorland (65); Barrow-in-Furness C.B. (67); Furness area of Lancashire (40); Lunesdale area of Lancashire (110) — Lancaster M.B. (51), Morecambe and Heysham M.B. (37), Carnforth U.D. (4), Lunesdale R.D. (7), Lancaster R.D. (11)	Barrow-in-Furness (67)
Central Lancs. (1180)	Central part of Lancashire, between Lancaster area and the Rochdale-Bury-Bolton-Wigan zone, with the addition of Blackburn, Blackpool, Burnley, Preston and Southport C.B.s	Blackburn (109), Blackpool (155), Burnley (84), Preston (117), Southport (85)
South Lancs. (1040)	The middle zone of South Lancashire between Merseyside and Greater Manchester, including Bolton, Rochdale, St. Helen's, Warrington, Wigan and Bury C.B.s	Bolton (165), Rochdale (87), St. Helen's (106), Warrington (85). Possibly Bury (57)
South-East Lancs. ('Greater Manchester') — about 1,400,000	South-Eastern Lancashire, with Manchester, Oldham, Salford and Stockport C.B.s, and parts of North-East Cheshire (not yet determined) and possibly North-West Derbyshire and the Saddleworth area of Yorkshire	Manchester (691), Salford (175), Stockport (142), Oldham (118), <i>Stretford</i> (61)
South-West Lancs. and North-East Cheshire ('Merseyside') (1385)	South-West Lancashire up to and including Widnes M.B. and most of Whiston R.D., and the Wirral peninsula in Cheshire (except Ellesmere Port U.D.)	Liverpool (757), Bootle (67), Birkenhead (136), Wallasey (100)

COUNTY (* indicates One-tier County)	AREA OF NEW COUNTY	NEW COUNTY BOROUGHS WITHIN COUNTY (Italicized if not at present a County Borough)
*City of Leeds (495+)	Present C.B.	
Leicester and Rutland (350)	Present Counties of Leicester (332) and Rutland (18)	
*City of Leicester (278+)	Present C.B.	
Lincoln North (384)	Present County of Lindsey (294) and Grimsby C.B. (99) – less any areas in Lindsey which should go with the boroughs of Lincoln and Boston	Grimsby (99)
Lincoln South (283)	Present Counties of Kesteven (117) and Holland (100), with Lincoln C.B. (66), and any areas of Lindsey which should go with the Boroughs of Lincoln and Boston	Lincoln (66)
Middlesex (2270)	Present County [subject to future decisions on Greater London]	
Monmouth (414)	Present County and Newport C.B.	Newport (102)
*City of Newcastle-upon-Tyne (340)	Present C.B. (292) with Gosforth U.D. (23), Newburn U.D. (21) and possibly part of Longbenton U.D.	
Norfolk (508)	Present County and Norwich C.B.	Norwich (116). Possibly Great Yarmouth (48)
Northampton (348)	Present County and Northampton C.B.	Northampton (105)
Northumberland (440)	Present County, less territory transferred to new County of Newcastle, with Tynemouth C.B.	Tynemouth (66)
Nottingham (512-)	Present County	
*City of Nottingham (294+)	Present C.B.	
Oxford (255)	Present County and Oxford C.B.	Oxford (104)
*City of Plymouth (200)	Present C.B. (184), with Plympton, Plymstock, Bickleigh and Tamerton Foliot—all in Plympton St. Mary R.D.	

COUNTY (* indicates One-tier County)	AREA OF NEW COUNTY	NEW COUNTY BOROUGH WITHIN COUNTY (Italicized if not at present a County Borough)
*City of Portsmouth (250)	Present C.B. (215), with Havant and Waterloo U.D. (32), a small part of Fareham U.D., and possibly of Petersfield R.D. Gosport M.B. and Fareham U.D. (as a whole) would be kept separate, to avoid their coalescing into a single urban concentration with Portsmouth	
Salop (268)	Present County	
*City of Sheffield (572+)	Present C.B., with possible slight additions, not including Rotherham	
Somerset (530)	Present County, less small area transferred to new County of Bristol, with Bath C.B.	Bath (77)
*Borough of Southampton (200)	Present C.B. (169), plus surrounding area up to River Test on West, River Hamble on East and the new East-West Trunk Road on North	
*Stafford North (360)	Stoke-on-Trent C.B. (272), Newcastle-under-Lyme M.B. (69), Kidsgrove U.D. (15) and perhaps some additional territory	
Stafford Central (375)	Mid-Staffs., and Burton-on-Trent C.B.	Possibly Burton-on-Trent (49)
Stafford South (950)	The County Boroughs of Walsall, West Bromwich, Wolverhampton, Dudley and Smethwick; the part of the present County of Staffordshire south of Cannock, and the Borough of Oldbury (53) (Worcestershire)—the Black Country	West Bromwich (85), Smethwick (76) — possibly combined—Dudley (63), Walsall (110), Wolverhampton (157)
Suffolk (404)	Present Counties of West Suffolk (109), East Suffolk (203), and Ipswich C.B. (101), less Newmarket U.D. (9) to go to the new County of Cambridgeshire	Ipswich (101)
*Borough of Sunderland (210)	Present C.B. (180,000) with Sunderland R.D. (24) and possibly some part of Boldon U.D.	
Surrey (1323)	Present County [subject to future decisions on Greater London]	

COUNTY (* indicates One-tier County)	AREA OF NEW COUNTY	NEW COUNTY BOROUGH WITHIN COUNTY (Italicized if not at present a County Borough)
*Sussex Central (270)	Brighton C.B., Hove M.B., Portslade-by-Sea, Shoreham-by-Sea, and Southwick U.D.s	
Sussex East (350)	Present County, with Hastings C.B.	Hastings (64). Possibly Eastbourne (55)
Surrey West (280)	Present County, less areas transferred to Sussex Central	Worthing (68)
Warwick (465)	Present County	
*West Ham (174)	Present C.B. [subject to future decisions on Greater London]	
Wight, Isle of (92)	Present County	
Wilts. (339)	Present County	<i>Swindon</i> (67)
York North (585)	Present North Riding, with Middlesbrough C.B. (142), and Stockton-on-Tees M.B. (72) and Billingham U.D. (23) transferred from Durham. Consideration would be given to the transfer of Scarborough M.B. (44), Malton U.D. (4) and neighbouring areas to York East, and to the transfer from York West to York North of some adjacent territory	Middlesbrough (142), Stockton-on-Tees with Billingham (95)
York East (275)	Present East Riding, less area transferred to Kingston-upon-Hull, with York C.B. Territory adjacent to York C.B. in the West and North Ridings might be transferred to York East	York (106)
York South (740)	The part of the West Riding south of a line including whole or part of Goole, Osgoldcross, Hemsworth, Wakefield and Penistone R.D.s, Barnsley, Doncaster, Rotherham C.B.s	Barnsley (74), Doncaster (77), Rotherham (81)
York West (1230)	The part of the West Riding north of the area given to York South, subject to boundary adjustments with York North, York East, Bradford, Leeds and Sheffield; Halifax, Huddersfield, Dewsbury, Wakefield C.B.s	Halifax (95), Huddersfield (125). Possibly Dewsbury (51), Wakefield (58)



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